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## Title 7—AGRICULTURE

### Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Orders 63, 70, 78, 79; Dockets Nos. AO-105-A34, AO-229-A25, AO-272-A19, AO-295-A23]

#### MILK IN QUAD CITIES—DUBUQUE AND CERTAIN OTHER MARKETING AREAS

##### Order Amending Orders

**Findings and Determinations.** The findings and determinations herein-after set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of each of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

The following findings are hereby made with respect to each of the aforesaid orders:

(a) **Findings.** A public hearing was held upon certain proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the aforesaid specified marketing areas. The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure (7 CFR Part 900).

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) **Determinations.** It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within each of the respective marketing areas, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending each of the specified orders, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the respective orders as hereby amended; and

(The following determination is made with respect to the order amending each of the aforesaid specified orders regulating the handling of milk, except the north central Iowa order.)

(3) The issuance of the order amending each of the specified orders is favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area; and

(4) The issuance of the order amending the north central Iowa order is favored by at least three-fourths of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

##### ORDER RELATIVE TO HANDLING

*It is therefore ordered,* That on and after the effective date hereof, the handling of milk in each of the respective marketing areas shall be in conformity to and in compliance with the terms and conditions of the aforesaid orders, as amended, and as hereby further amended, as follows:

#### PART 1063—MILK IN THE QUAD CITIES-DUBUQUE MARKETING AREA

1. In § 1063.52, subparagraphs (2) and (3) of paragraph (a) are revised to read as follows:

§ 1063.52 Location adjustments to handlers.

(a) . . . .

(2) At a plant located outside the marketing area, north of U.S. Highway No. 80, and, except as provided in subparagraph (3) of this paragraph, 70 miles or more, by the shortest hard-surfaced highway distance as determined by the market administrator, from the nearer of the City Hall, Rock Island, Ill., or the Post Office, West Liberty, Iowa, subtract 10 cents and subtract an additional 1.5 cents for each 10 miles or fraction thereof that such distance exceeds 80 miles; and

(3) At a plant located in that Iowa territory beyond 70 miles from the nearer

of the City Hall, Rock Island, Ill., or the Post Office, West Liberty, Iowa, and south of U.S. Highway No. 80, or within the Des Moines, Iowa, marketing area as specified in Part 1079, add any amount by which the price specified in § 1063.50(b) is exceeded by the applicable Class I price at the same location pursuant to Part 1079 regulating the handling of milk in the Des Moines, Iowa, marketing area.

2. In § 1063.61 paragraph (a) is revised to read as follows:

§ 1063.61 Plants subject to other Federal orders.

(a) A distributing plant, a supply plant or a plant otherwise qualified as a pool plant pursuant to § 1063.10(c) during any month in which such plant would be subject to the classification and pricing provision of another order issued pursuant to the Act unless the disposition of fluid milk products, except filled milk, from such plant to pool plants qualified under § 1063.10 and to retail and wholesale outlets in the Quad Cities-Dubuque marketing area exceeds such disposition to retail and wholesale outlets in such other marketing area and to pool plants regulated by such other order except in the following circumstances:

(1) If a distributing plant were qualified pursuant to § 1063.10(a) during each of the three immediately preceding months, it would continue to be subject to all the provisions of this part until after the third consecutive month in which it remains so qualified and has a greater proportion of its fluid milk product disposition, except filled milk, made in the above described manner in such other marketing area, unless, notwithstanding the provisions of this paragraph, it is regulated under such other order; or

(2) A distributing plant qualified pursuant to § 1063.10(a) that is fully regulated under another Federal order but which has greater fluid milk product (except filled milk) disposition during the month on routes in the Quad Cities-Dubuque marketing area and to pool plants qualified on the basis of route distribution in the Quad Cities-Dubuque marketing area than in such other Federal order marketing area.

3. Revise § 1063.50(b) to read as follows:

§ 1063.50 Basic formula and class prices.

(b) The Class I milk price shall be the basic formula price for the preceding month plus \$1.13, and plus 20 cents.

# **PART 1070—MILK IN THE CEDAR RAPIDS-IOWA CITY MARKETING AREA**

Revise § 1070.50(b) to read as follows:

## **§ 1070.50 Basic formula and class prices.**

(b) The Class I milk price shall be the basic formula price for the preceding month plus \$1.13, and plus 20 cents.

# **PART 1078—MILK IN THE NORTH CENTRAL IOWA MARKETING AREA**

Revise § 1078.52(a)(1) to read as follows:

## **§ 1078.52 Location differentials to handlers.**

(a) \*\*\*

(1) Zone 2 amount, plus 8 cents. Zone 2 means all the territory in the Iowa counties of Marshall, Tama, Linn, and Johnson.

# **PART 1079—MILK IN THE DES MOINES, IOWA, MARKETING AREA**

1. Revoke § 1079.17 *Base zone*.

2. Revise § 1079.50(b) to read as follows:

## **§ 1079.50 Basic formula and class prices.**

(b) The Class I milk price shall be the basic formula price for the preceding month plus \$1.20 and plus 20 cents.

3. Revise § 1079.52(a) to read as follows:

## **§ 1079.52 Location differentials to handlers.**

(a) For producer milk received at a plant located outside the marketing area, and 60 miles or more by the shortest hard-surfaced highway distance, as measured by the market administrator from the main post offices of Des Moines and Ottumwa, Iowa, which is classified as Class I or assigned Class I location adjustment credit pursuant to paragraph (b) of this section and for other source milk for which a location adjustment is applicable, the price specified in § 1079.50(b) shall be reduced 10 cents, and shall be reduced an additional 1.5 cents for each 10 miles or fraction thereof in excess of 75 miles from the designated post offices.

4. In § 1079.61, paragraph (a) is revised to read as follows:

## **§ 1079.61 Plants subject to other Federal orders.**

(a) A distributing plant or a supply plant during any month in which such plant would be subject to the classification and pricing provisions of another order issued pursuant to the Act unless the disposition of fluid milk products, except filled milk, from such plant to pool plants qualified under § 1079.10 and

to retail and wholesale outlets in the Des Moines, Iowa, marketing area exceeds such disposition to retail and wholesale outlets in such other marketing area and to pool plants regulated by such other order except in the following circumstances:

(1) If a distributing plant were qualified pursuant to § 1079.10(a) during each of the 3 immediately preceding months, it would continue to be subject to all the provisions of this part until after the third consecutive month in which it remains so qualified and has a greater proportion of its fluid milk product disposition, except filled milk, made in the above-described manner in such other marketing area, unless, notwithstanding the provisions of this paragraph, it is regulated under such other order; or

(2) A distributing plant qualified pursuant to § 1079.10(a) that is full regulated under another Federal order but which has greater fluid milk product (except filled milk) disposition during the month on routes in the Des Moines marketing area and to pool plants qualified on the basis of route distribution in the Des Moines marketing area than in such other Federal order marketing area.

5. Revise § 1079.10 to read as follows:

## **§ 1079.10 Pool plant.**

"Pool plant" means a plant described in paragraph (a) or (b) of this section except as provided in §§ 1079.60 and 1079.61: *Provided*, That if a portion of a plant is physically apart from the Grade A portion of such plant, is operated separately and is not approved by any health authority for the receiving, processing or packaging of any fluid milk product for Grade A disposition, it shall not be considered as part of a pool plant pursuant to this section.

(a) A distributing plant from which a volume of Class I milk, except filled milk, equal to not less than 35 percent of the Grade A milk received at such plant from dairy farmers and from other plants is disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except pool plants) and not less than 15 percent of such receipts or an average of not less than 7,000 pounds per day, whichever is less, is so disposed of to such outlets in the marketing area.

(b) A supply plant from which the volume of fluid milk products, except filled milk, shipped during the month to pool plants qualified pursuant to paragraph (a) of this section is equal to not less than 35 percent of the Grade A milk received at such plant from dairy farmers during such month: *Provided*, That if such shipments are not less than 50 percent of the receipts of Grade A milk directly from dairy farmers at such plant during the immediately preceding period of September through November, such plant shall be a pool plant for the months of March through June, unless written application is filed with the market administrator on or before the

15th day of any of the months of March, April, May, or June to be designated a nonpool plant for such month and for each subsequent month through June of the same year.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Effective date: December 1, 1971.

Signed at Washington, D.C., on October 5, 1971.

RICHARD E. LYNG,  
Assistant Secretary.

[FR Doc.71-14806 Filed 10-7-71;8:50 am]

# **Title 13—BUSINESS CREDIT AND ASSISTANCE**

## **Chapter I—Small Business Administration**

### **PART 120—LOAN POLICY**

#### **Maximum Interest Rate**

Notice is hereby given that the Small Business Administration has established as the maximum interest rate per annum that participating lending institutions may charge on guaranteed loans approved on or after October 1, 1971, pursuant to section 7(a) of the Small Business Act, as amended, section 402 of the Economic Opportunity Act of 1964, as amended, and section 502 of the Small Business Investment Act, as amended, the following interest rate: eight and three quarters (8¾%) per centum per annum. On immediate participation loans approved on or after October 1, 1971, the maximum interest rate shall be seven and three quarters (7¾%) per centum per annum. Said maximum interest rates shall remain in effect until further amendment or revision.

This notice implements the notification of maximum interest rates as provided in paragraph 5 of Appendix 26 of the Small Business Administration's National Directive 510-1A, issued on June 29, 1971.

Effective date: October 1, 1971.

THOMAS S. KLEPPE,  
Administrator.

[FR Doc.71-14739 Filed 10-7-71;8:46 am]

# **Title 14—AERONAUTICS AND SPACE**

## **Chapter I—Federal Aviation Administration, Department of Transportation**

[Docket No. 71-SO-167; Amdt. 39-1312]

### **PART 39—AIRWORTHINESS DIRECTIVES**

#### **Piper PA-28 Series Airplanes**

There have been incidents of fuel starvation due to binding of the fuel selector handle on the selector spring stop on certain Piper PA-28 series airplanes which

have resulted in in-flight engine stoppages. Since this condition is likely to exist or develop on other airplanes of the same design, an airworthiness directive is being issued to require replacement of the fuel selector valve cover.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39, of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

**PIPER:** Applies to PA-28-140 airplanes Serial Numbers 28-7125001 through 28-7125666, PA-28-180 airplanes Serial Numbers 28-7105001 through 28-7105259, PA-28R-180 airplanes, Serial Numbers 28R-7130001 through 28R-7130038, PA-28R-200 airplanes Serial Numbers 28R-7135001 through 28R-7135254.

Compliance required within the next 50 hours' time in service after the effective date of this airworthiness directive unless already accomplished.

To prevent possible binding of the fuel selector handle accomplish the following:

(a) Replace fuel selector valve cover Part Number 99180-(—) in accordance with Piper Service Letter 588 dated September 3, 1971, or later approved revision.

(b) Time intervals for the replacement of the selector valve cover may be adjusted up to a maximum of 10 hours to coincide with aircraft annual or 100-hour scheduled inspections.

This amendment becomes effective October 13, 1971.

(Sec. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on September 29, 1971.

ROBERT O. BLANCHARD,  
Acting Director, Southern Region.

[FR Doc.71-14755 Filed 10-7-71;8:47 am]

[Docket No. 71-WE-22-AD; Amdt. 39-1316]

### PART 39—AIRWORTHINESS DIRECTIVES

#### Microdot, Inc., Model 1410 Cockpit Voice Recorder (CVR)

There have been instances of unreliable illumination of the visual test circuit light, either when there was no signal recorded on the tape, or when the tape transport mechanism was inoperative. Inadequate grounding of the record and reproduce tape heads has permitted spurious noise pickup, causing this unreliable illumination. Since this condition is likely to exist or develop in other recorders of the same design, an airworthiness directive is being issued against the Microdot, Inc., Model 1410 CVR to require removal of the visual test circuit light bulb, installation of a placard, and performance of an aural functional test until such time as the CVR is

modified to provide adequate grounds to the tape heads.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

**MICRODOT, INC.** Applies to all civil aircraft certificated in all categories in which a Microdot, Inc. Model 1410 Cockpit Voice Recorder is installed.

Compliance required as indicated.

To prevent inadvertent visual test circuit light illumination and reliance by flight crew members thereon, accomplish the following:

(a) Within 5 days of the effective date of this A.D.,

(1) Remove the test light bulb from the CVR Control Unit and install a placard on the face of the CVR Control Unit adjacent to the test light thereon, which reads: **TEST LIGHT INOPERATIVE**, and

(2) Perform the following aural functional test (in lieu of the visual functional test) at least once each day during which the aircraft is flown:

(i) Plug low impedance headset (600 ohms) into the CVR audio jack, or into the CVR Control Unit audio jack, if connected.

(ii) Speak into the area microphone, or apply a speech signal to the CVR from any other monitored source.

(iii) Determine that recorded speech is satisfactorily reproduced in the headset (after a delay of approximately 1 second).

(b) The test light bulb should be replaced, the placard should be removed, and the aural functional test required by (a) above, may be discontinued after accomplishment of the modification described in Microdot, Inc. Service Bulletin No. 4-A, dated September 14, 1971, or later FAA approved revisions, or an equivalent modification approved by the Chief, Aircraft Engineering Division, FAA Western Region. This modification, when installed, will constitute terminating action under this A.D.

This amendment become effective on October 13, 1971.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Los Angeles, Calif., on September 29, 1971.

ARVIN O. BASNIGHT,  
Director, FAA Western Region.

[FR Doc.71-14754 Filed 10-7-71;8:47 am]

[Airspace Docket No. 71-CE-69]

### PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

#### Alteration of Control Zone and Transition Area

On June 30, 1971, a notice of proposed rule making was published in the **FEDERAL REGISTER** (36 F.R. 12309), stating that the Federal Aviation Administration pro-

posed to alter the Garden City, Kans., control zone and transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. No objections have been received to this proposal.

Subsequent to the publication of this rule the Agency determined that a portion of the area northwest of the Garden City Municipal Airport was inadvertently not included in the Garden City transition area redesignation. Accordingly, action is taken herein to change the **FEDERAL REGISTER** redesignation so that it reads correctly.

Since this amendment is editorial in nature it imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, § 71.171 of Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., December 9, 1971, as herein-after set forth:

(1) In § 71.171 (36 F.R. 2055), the following control zone is amended to read:

#### GARDEN CITY, KANSAS

Within a 5-mile radius of the Garden City Municipal Airport (latitude 37°55'49" N., longitude 100°43'40" W.), and within 2 miles each side of the 144° bearing from the Garden City RBN, extending from the 5-mile radius zone to 2 miles southeast of the RBN; and within 2½ miles each side of the 004° radial of the Garden City VORTAC extending from the 5-mile radius zone to 8 miles north of the VORTAC; and within 2½ miles each side of the 171° radial of the Garden City VORTAC extending from the 5-mile radius zone to 5 miles south of the VORTAC.

(2) In § 71.181 (36 F.R. 2140), the following transition area is amended to read:

#### GARDEN CITY, KANS.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Garden City Municipal Airport (latitude 37°55'49" N., longitude 100°43'40" W.), within 3 miles each side of the 144° and 324° bearings from Garden City RBN, extending from the 7-mile radius to 8 miles northwest of the RBN; and 4½ miles east and 9½ miles west of the 004° radial of the Garden City VORTAC extending from the 7-mile radius to 18½ miles north of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 15-mile radius of the Garden City VORTAC; within 4½ miles west and 9½ miles east of the 171° radial of the Garden City VORTAC extending from the 15-mile radius to 18½ miles south of the VORTAC; within 4½ miles southwest and 9½ miles northeast of the 324° bearing from the Garden City RBN extending from the 15-mile radius area to 18½ miles northwest of the RBN; and the area southwest of Garden City bounded on the north by the south edge of V10, on the east by the west edge of V17W, and on the southwest by the northeast edge of V210; and the area northeast of the Garden City VORTAC bounded on the northwest by the southeast edge of V255, on the south by the north edge of V10, and on the east by 100° W. longitude, excluding that portion of which overlies the Dodge City, Kans. and Liberal, Kans. 1,200 foot floor transition areas.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on September 15, 1971.

JOHN M. CYROCKI,  
Director, Central Region.

[FR Doc.71-14748 Filed 10-7-71;8:46 am]

[Airspace Docket No. 71-CE-74]

# **PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS**

## **Alteration of Transition Area**

On page 12911 of the FEDERAL REGISTER dated July 9, 1971, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Storm Lake, Iowa.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., December 9, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on September 15, 1971.

JOHN M. CYROCKI,  
Director, Central Region.

In § 71.181 (36 F.R. 2140), the following transition area is amended to read:

### **STORM LAKE, IOWA**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Storm Lake Municipal Airport (latitude 42°38'00" N., longitude 95°14'31" W.); and within 3 miles each side of the 142° bearing from Storm Lake Municipal Airport, extending from the 5-mile-radius area to 8 miles southeast of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles southwest and 9½ miles northeast of the 142° and 322° bearings from Storm Lake Municipal Airport extending from 6 miles northwest to 18½ miles southeast of the airport.

[FR Doc.71-14749 Filed 10-7-71;8:47 am]

[Airspace Docket No. 71-CE-81]

# **PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS**

## **Alteration of Transition Area**

On Page 14029 of the FEDERAL REGISTER, dated July 29, 1971, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at McCordsville, Ind.

Interested persons were given 45 days to submit written comments, suggestions,

or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., December 9, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on September 24, 1971.

JOHN M. CYROCKI,  
Director, Central Region.

In § 71.181 (36 F.R. 2140), the following area is amended to read:

### **McCORDSVILLE, IND.**

That airspace extending upward from 700 feet above the surface within a 5½-mile radius of the Indianapolis Brookside Airport (latitude 39°54'19" N., longitude 85°55'29" W.); and within a 5½-mile radius of the Indianapolis Metropolitan Airport (latitude 39°56'10" N., longitude 86°02'45" W.).

[FR Doc.71-14746 Filed 10-7-71;8:46 am]

[Airspace Docket No. 71-CE-87]

# **PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS**

## **Designation of Transition Area**

On pages 14029 and 14030 of the FEDERAL REGISTER, dated July 29, 1971, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Burlington, Wis.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., December 9, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on September 24, 1971.

JOHN M. CYROCKI,  
Director, Central Region.

In § 71.181 (36 F.R. 2140), the following transition area is added:

### **BURLINGTON, WIS.**

That airspace extending upward from 700 feet above the surface within a 6½-mile radius of Burlington Municipal Airport (latitude 42°41'20" N., longitude 88°18'05" W.); and within 3 miles each side of the 101° bearing from the Burlington Municipal Airport extending from the 6½-mile-radius area to 8 miles east of the airport.

[FR Doc.71-14747 Filed 10-7-71;8:46 am]

[Airspace Docket No. 71-SO-139]

# **PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS**

## **Alteration of Transition Area**

On August 24, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 16592), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Monroe, N.C., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

Subsequent to publication of the notice, it was determined that the extension proposed to provide controlled airspace protection for IFR aircraft executing VOR/DME A instrument approach procedure was erroneously predicated on the Fort Mill VORTAC 264° radial in lieu of the 084° radial. It is necessary to alter the description to reflect this change. Since this amendment is editorial in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., December 9, 1971, as hereinafter set forth.

In § 71.181 (36 F.R. 2140), the Monroe, N.C., transition area is amended to read:

### **MONROE, N.C.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Monroe Airport (lat. 35°01'15" N., long. 80°38'00" W.); within 3 miles each side of Fort Mill, S.C. VORTAC 084° radial, extending from the 5-mile-radius area to 23 miles east of the VORTAC.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on September 29, 1971.

JAMES G. ROGERS,  
Director, Southern Region.

[FR Doc.71-14760 Filed 10-7-71;8:47 am]

[Airspace Docket No. 71-SO-156]

# **PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS**

## **Alteration of Control Zone and Transition Area**

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Tuscaloosa, Ala., control zone and transition area.

The Tuscaloosa control zone is described in § 71.171 (36 F.R. 2055 and 18575) and the Tuscaloosa transition area is described in § 71.181 (36 F.R. 2140 and 18575).

A review of the requirements of controlled airspace in the Tuscaloosa terminal disclosed that some discrepancies existed in the designated descriptions, which require the following actions:

**Control zone:**

Revoke the extension predicated on Tuscaloosa VORTAC 241° radial.

**Transition area:**

1. Revoke the extension predicated on the ILS localizer southwest course.

2. Designate an extension predicated on Tuscaloosa VORTAC 052° radial 5 miles in width and 6.5 miles in length.

It is necessary to alter the control zone and transition area descriptions to reflect these changes. Since these amendments are less restrictive in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., November 12, 1971, as hereinafter set forth.

In § 71.171 (36 F.R. 2055), the Tuscaloosa, Ala., control zone (36 F.R. 18575) is amended to read:

**TUSCALOOSA, ALA.**

Within a 5-mile radius of Van De Graaff Airport (lat. 33°13'16" N., long. 87°36'39" W.); within 1.5 miles each side of the ILS localizer southwest course, extending from the 5-mile-radius zone to 0.5 mile northeast of the OM.

In § 71.181 (36 F.R. 2140), the Tuscaloosa, Ala., transition area (36 F.R. 18575) is amended to read:

**TUSCALOOSA, ALA.**

That airspace extending upward from 700 feet above the surface within an 11-mile radius of Van De Graaff Airport (lat. 33°13'16" N., long. 87°36'39" W.); within 2.5 miles each side of Tuscaloosa VORTAC 052° radial, extending from the 11-mile-radius area to 6.5 miles northeast of the VORTAC.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on September 29, 1971.

JAMES G. ROGERS,  
Director, Southern Region.

[FR Doc. 71-14751 Filed 10-7-71; 8:47 am]

[Airspace Docket No. 71-NW-13]

**PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS**

**Alteration of Control Zone and Transition Area**

On August 20, 1971 a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 16195) stating that the Federal Aviation Administration (FAA) was considering amendments to Part 71 of the Federal Aviation Regulations that would alter the descriptions of the Redmond, Oreg., Control Zone and Transition Area.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendments are hereby adopted without change.

**Effective date.** These amendments shall be effective 0901 G.m.t. December 9, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, as amended, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Seattle, Wash., on September 27, 1971.

C. B. WALK, Jr.,  
Director, Northwest Region.

In § 71.171 (36 F.R. 2055) the description of the Redmond, Oreg., control zone is amended to read as follows:

**REDMOND, OREG.**

Within a 5-mile radius of Roberts Field, Redmond, Oreg. (latitude 44°15'10" N., longitude 121°03'55" W.), and within 1.5 miles each side of the Redmond VORTAC 269° and 089° radials extending from the 5-mile-radius zone to 1 mile west of the VORTAC.

In § 71.181 (36 F.R. 2140) the description of the Redmond, Oreg., transition area is amended, in part, as follows:

1. Beginning in the first line of the text, delete " \* \* \* within 2 miles each side of the Redmond VORTAC 269° radial extending from 1 to 8 miles west of the VORTAC \* \* \*" and substitute therefor " \* \* \* within 2 miles each side of the Redmond VORTAC 281° radial extending from the VORTAC to 5 miles west of the VORTAC."

2. In the sixth line of the text, delete " \* \* \* 2 miles each side of a 302° bearing from the Redmond RBN extending from the RBN to 8 miles northwest of the RBN; \* \* \*" and substitute therefor " \* \* \* 2 miles each side of a 302° bearing from the Roberts RBN extending from the RBN to 6 miles northwest of the RBN \* \* \*."

3. Beginning in the 11th line of the text, delete all after " \* \* \* Redmond VORTAC 302° radial \* \* \*" and substitute therefor " \* \* \* on the east by the west edge of V-25, on the south by a line 5 miles south of and parallel to the Redmond VORTAC 281° radial and on the west by an arc of a 19-mile-radius arc centered on the Redmond VORTAC."

This amendment reflects the name change of the Redmond RBN to Roberts RBN.

[FR Doc. 71-14742 Filed 10-7-71; 8:46 am]

[Airspace Docket No. 71-NW-14]

**PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS**

**Alteration of Transition Area**

On August 20, 1971 a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 16196) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations

that would alter the Medford, Oreg., Transition Area.

Interested persons were given 30 days in which to submit written comments. No objections to the proposed regulation were received.

In consideration of the foregoing, the proposed regulation is hereby adopted without change.

**Effective date.** This amendment shall be effective 0901 G.m.t. December 9, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, as amended, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Seattle, Wash., on September 27, 1971.

C. B. WALK, Jr.,  
Director, Northwest Region.

In § 71.181 (36 F.R. 2140) the description of the Medford, Oreg., transition area is amended as follows:

In line two of the text, delete all before " \* \* \* that airspace extending upward \* \* \*" and substitute therefor "That airspace extending upward from 700 feet above the surface within 2 miles each side of the Medford ILS localizer northwest course extending from 3 to 9 miles northwest of the OM and within 3.5 miles each side of the Medford ILS localizer southeast course extending from the OM to 24 miles southeast of the OM \* \* \*."

[FR Doc. 71-14743 Filed 10-7-71; 8:46 am]

[Airspace Docket No. 71-CE-76]

**PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS**

**Alteration of Transition Area**

On pages 14027 and 14028 of the FEDERAL REGISTER of July 29, 1971, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of the Federal Aviation Regulations so as to alter the transition area at Lawrence, Kans.

Interested persons were given 45 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., December 9, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on September 24, 1971.

JOHN M. CYROCKI,  
Director, Central Region.

In § 71.181 (36 F.R. 2140), the following transition area is amended to read:

**LAWRENCE, KANS.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Lawrence Municipal Airport (latitude



39°00'30" N., longitude 95°13'00" W.); within 2 miles each side of the Topeka, Kans., VORTAC 116° radial, extending from the 5-mile-radius area to 13 miles southeast of the VORTAC; and within 3 miles each side of the 318° bearing from Lawrence Municipal Airport, extending from the 5-mile radius to 8 miles northwest of the airport.

[FR Doc.71-14744 Filed 10-7-71;8:46 am]

[Airspace Docket No. 71-CE-79]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

### Designation and Revocation of Transition Area

On pages 14028 and 14029 of the FEDERAL REGISTER July 29, 1971, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of the Federal Aviation Regulations so as to designate a transition area at Albany, Ohio, and revoke the transition area at Athens, Ohio.

Interested persons were given 45 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., December 9, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on September 24, 1971.

JOHN M. CYROCKI,  
Director, Central Region.

In § 71.181 (36 F.R. 2140), the following transition area is added:

#### ALBANY, OHIO

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the University of Ohio Airport (latitude 39°12'38" N., longitude 82°13'53" W.).

In § 71.181 (36 F.R. 2140), the following transition area is revoked.

#### ATHENS, OHIO

[FR Doc.71-14745 Filed 10-7-71;8:46 am]

## Title 21—FOOD AND DRUGS

### Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

#### SUBCHAPTER C—DRUGS

### PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

#### Thiabendazole

The Commissioner of Food and Drugs has evaluated a new animal drug appli-

cation (47-714) filed by Merck Sharp & Dohme Research Laboratories, Division of Merck and Co., Inc., Rahway, N.J. 07065, proposing an additional safe and effective use of thiabendazole as an anthelmintic in horses. The application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(l), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated

to the Commissioner (21 CFR 2.120), § 135c.7 is amended by adding new items 5 and 6 to the table in paragraph (e) (2) (ii) and by revising the heading for the table as follows:

#### § 135c.7 Thiabendazole.

- (e) \* \* \*
- (2) \* \* \*
- (ii) It is also used as follows:

IN A BOLUS OR IN LIQUID FORM

Amount	Limitations	Indications for use
***	***	***
5. Thiabendazole... 2 grams per 100 lb. body weight.	For horses as a single liquid oral dose; as a drench or administered by stomach tube; not for use in horses to be slaughtered for food purposes; for use only by or on the order of a licensed veterinarian.	Control of infections with <i>Strongylus</i> spp., <i>Cyathostomum</i> spp., <i>Cylicocyclus</i> spp., and related genera; <i>Craterostomum</i> spp., <i>Oesophagodontus</i> spp., <i>Pelicerostomum</i> spp., <i>Oxyuris</i> spp., and <i>Strongylus</i> spp.
6. Thiabendazole... 4 grams per 100 lb. body weight.	do.....	Control of infections of gastrointestinal nematodes (genera <i>Parascaris</i> spp.).

**Effective date.** This order shall be effective upon publication in the FEDERAL REGISTER (10-8-71).

(Sec. 512(l), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: September 22, 1971.

C. D. VAN HOUWELING,  
Director,  
Bureau of Veterinary Medicine.

[FR Doc.71-14713 Filed 10-7-71;8:45 am]

## Title 29—LABOR

### Subtitle A—Office of the Secretary of Labor

### PART 9—STABILIZATION OF CONSTRUCTION INDUSTRY WAGES AND PRICES UNDER EXECUTIVE ORDER 11588

Pursuant to authority in section 10 of Executive Order No. 11588 (36 F.R. 6339), Subtitle A of Title 29 of the Code of Federal Regulations is amended by adding a new Part 9 which reads as set forth below. The new Part 9 provides the administrative procedure necessary for the expeditious and effective conduct of the responsibilities of the Secretary of Labor under, and to effectuate the purposes of, Executive Order No. 11588.

As the Executive order requires approval of certain wage increases, and requires that increases in excess of those found acceptable under the order be disregarded in the making of prevailing wage determinations under the Davis-Bacon Act and related statutes, and as delay in approval may be tantamount to refusal to approve, accordingly notice, public procedure, and delay in the effective date are, in view of the public exigency, found contrary to the public interest within the meaning of 5 U.S.C. 553. This part shall therefore be effective upon publication in the FEDERAL REGISTER (10-8-71).

A new part, Part 9, is added to Title 29, Code of Federal Regulations, as follows:

#### GENERAL

- Sec.
- 9.1 Purpose and scope.
- 9.2 Definitions.
- QUESTIONS OF APPLICATION AND INTERPRETATION
- 9.3 Submission for rulings of the Secretary.
- 9.4 Variations, tolerances, and exemptions.
- 9.5 Enforcement by the Secretary.

#### MECHANISM FOR STABILIZATION

- 9.10 Constraints established by the order.
- 9.11 Appointment and tenure of Committee members.
- 9.12 Rules and regulations of the Committee and the Interagency Committee.
- 9.13 Unacceptable wage increases: Certification and publication.
- 9.14 Acceptable wage increases: Notification.

#### PROCEDURES UNDER DAVIS-BACON ACT AND OTHER PREVAILING WAGE LAWS

- 9.20 Federal wage determinations under the Davis-Bacon Act and related statutes.
- 9.21 Wage determinations under the laws of any State.

#### DUTIES OF AGENCIES HAVING RESPONSIBILITIES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

- 9.30 Requirements of the Executive order, in general.
- 9.31 Planning adjustments—Federal construction.
- 9.32 Planning adjustments—federally assisted construction.
- 9.33 Adjustments for current and prospective contracts—Federal construction.
- 9.34 Adjustments for current and prospective contracts—federally assisted construction.
- 9.35 Advice to non-Federal agencies and project sponsors concerning certifications.

#### REPORTS CONCERNING APPLICATION OF THE ORDER

- 9.36 Reports.

**Authority:** The provisions of this Part 9 issued under Public Law 91-379, 84 Stat. 700



as amended; 12 U.S.C. 1904 note; and Executive Order No. 11588, 36 F.R. 6339.

§ 9.1 Purpose and scope.

Executive Order 11588, effective March 29, 1971, provides for a cooperative mechanism for the stabilization of wages and prices in the construction industry. This part sets forth the rules and regulations, determinations, and interpretations of general application issued by the Secretary of Labor to effectuate the purposes of the Executive order and to provide for carrying out his responsibilities thereunder.

§ 9.2 Definitions.

(a) "Secretary" means the Secretary of Labor, U.S. Department of Labor.

(b) "Committee" means the Construction Industry Stabilization Committee established pursuant to Executive Order 11588.

(c) "Chairman" means the Chairman of the Construction Industry Stabilization Committee appointed by the Secretary of Labor pursuant to Executive Order 11588.

(d) "Board" means any Craft Dispute Board jointly established by contractor associations and international unions pursuant to the provisions of Executive Order 11588.

(e) "Construction" means (1) all work relating to the erecting, constructing, altering, remodeling, painting, or decorating of installations such as buildings, bridges, highways, and the like, when performed on a contract basis, but shall not include maintenance work performed by workers employed on a permanent basis in a particular plant or facility for the purpose of keeping such plant or facility in efficient operating condition; (2) the transporting of materials and supplies to or from a particular building or project by the workers of the contractor or subcontractor performing the construction or the manufacturing of materials, supplies, or equipment on the site of a project by such workers; and (3) all other work classified as construction in § 5.2(g) of Part 5, of this subtitle, whether or not performed under contract.

(f) "Wage or salary" means all wage or salary rate schedules and economic benefits established pursuant to a collective bargaining agreement in the construction industry (Executive order, section 11(b)).

(g) "Executive order" means Executive Order 11588 (36 F.R. 6339).

(h) "Labor contract" means a collectively bargained agreement which is effective to bind the parties with respect to wages or salaries, subject only to such approval by a Board and the Committee as is required by the Executive order and under the procedures set forth in the CISC regulations published as Part 2001 of this title.

(i) "Agency head" means the principal official of the Federal agency and includes those persons duly authorized to act in his behalf.

(j) "Federal agency" includes the United States, the District of Columbia, and any executive department, inde-

pendent establishment, administrative agency, or instrumentality of the United States or the District of Columbia, including any corporation, all or substantially all of the stock of which is beneficially owned by the United States, by the District of Columbia, or by any of the foregoing departments, establishments, agencies, or instrumentalities.

(k) "Interagency Committee" means the Interagency Committee on Construction composed of officers and employees of Federal departments and agencies as designated by the Secretary of Housing and Urban Development pursuant to Executive Order 11588.

(l) A wage or salary increase provided in any labor contract or employment agreement shall be deemed to be "in excess of that found to be acceptable" under the order whenever the compensation which it provides in cash wages and economic benefits either (1) equals or exceeds the total compensation provided with respect to the same craft in the same locality on similar construction by a proposed or scheduled increase which has been established as unacceptable under the order by certification of the Secretary, or (2) which exceeds any upper limit of acceptability under the order that may have been determined by a Board or the Committee to be applicable with respect to such craft in such locality or such construction in making its determination concerning the proposed increase which was certified as unacceptable.

(m) An "unacceptable" wage or salary increase is any increase in wage or salary as defined in paragraph (f) of this section with respect to which there has been a certification by the Secretary of a determination by a Board or the Committee that such increase is not acceptable for inclusion in a labor contract negotiated on or after the date of the order under the criteria set forth in the order, or is not acceptable for application under a labor contract negotiated prior to such date because unreasonably inconsistent with such criteria.

(n) "Unacceptable wage rates" means rates of compensation including both cash wages and economic benefits, whether or not collectively bargained, for any craft in any locality which are as great or greater than the wage and salary levels for such crafts in such locality on similar construction provided in a proposed increase which has been reviewed by a Board or the Committee and certified by the Secretary as unacceptable.

(o) "Wage determination" means (1) any wage determination made by the Secretary of Labor pursuant to the Davis-Bacon Act or any of those other statutes providing for the payment of wages predetermined by the Secretary of Labor in accordance with the Davis-Bacon Act, and (2) any wage determination made pursuant to the laws of any State requiring similar wage standards.

(p) "Construction industry" includes every person, firm, company, or entity engaging in or undertaking any construction as defined in paragraph (e) of this section and every employee em-

ployed by such person, firm, company, or entity for the performance of work relating to a project of construction. Where a person, firm, company, or entity has its enterprise organized into separate parts or divisions, and one or more, but not others of such parts or divisions engages in or undertakes construction as above described, those parts or divisions which are not involved in construction are not deemed part of the construction industry, within the meaning of the regulations in this part. Also excluded from the construction industry are materialmen, fabricators, and suppliers of architectural, engineering, and other services or supplies to members of the industry generally, except those operations of such suppliers of materials or services which are performed in connection with specific projects of construction in such manner as to make them a part thereof.

QUESTIONS OF APPLICATION AND INTERPRETATION

§ 9.3 Submission for rulings of the Secretary.

All questions relating to the application and interpretation of the Executive order and the rules contained in this part and Part 2001 of this title, other than questions concerned solely with resolution of issues committed by the order to the discretion of the Committee and the Boards, shall be referred to the Secretary for appropriate ruling or interpretation. Rulings and interpretations of the Secretary which may affect the resolution of issues committed by the order to the Committee and the Boards will be issued after appropriate consultation with the Committee. The rulings and interpretations of the Secretary shall be final and binding on Federal agencies, the Committee and the Boards, and those concerned with the application of the Davis-Bacon Act may be relied upon as provided for in section 10 of the Portal-to-Portal Act of 1947 (29 U.S.C. 259). Requests for such rulings and interpretations shall be addressed to the Secretary of Labor, U.S. Department of Labor, Washington, D.C. 20210, attention Solicitor of Labor.

§ 9.4 Variations, tolerances, and exemptions.

The Secretary may make variations, tolerances, and exemptions from provisions of this part on recommendation of a Federal agency or of a Board or the Committee, or on his own motion, whenever he finds that such action is necessary and proper in the public interest or to prevent injustice and undue hardship or serious impairment in the conduct of Government business.

§ 9.5 Enforcement by the Secretary.

In the enforcement of the provisions of the Executive order and this part the Secretary may exercise the authority provided under the Economic Stabilization Act of 1970, as amended, Reorganization Plan No. 14 of 1950, the Copeland Act (40 U.S.C. 276(c)), and may take any other action authorized by law.

## MECHANISM FOR STABILIZATION

## § 9.10 Constraints established by the order.

The Executive order, promulgated pursuant to the Economic Stabilization Act of 1970, establishes Craft Dispute Boards and a Construction Industry Stabilization Committee, with jurisdiction, functions, and responsibilities as described in the order and in Part 2001 of this title, to which wage and salary increases provided in labor contracts negotiated on or after the date of promulgation of the order must be submitted before the parties to such contracts may place them in effect. The order establishes criteria for determinations by the Boards and the Committee of whether such increases are or are not acceptable, and provides for submission to the Secretary of Labor of those found not acceptable and for certification by him of unacceptability, upon which certification Federal and State agencies are obliged to take prescribed action to assure that governmental support of the unacceptable increase will not be afforded in connection with construction projects in which there is government involvement. Deferred increases provided in labor contracts negotiated before promulgation of the order may also be reviewed to determine whether they are unreasonably inconsistent with the criteria. The order also establishes an Interagency Committee to develop, in consultation with the Secretary of Labor, major procurement agencies, and the Construction Industry Stabilization Committee, criteria for the determination of acceptable prices in construction contracts as well as criteria for acceptable compensation, including bonuses, stock options, and the like, together with rules concerning the application of such criteria. The order makes available to the Secretary of Labor to carry out its purposes and policy any other action authorized by law to assure the stabilization of wages and prices in the construction industry.

## § 9.11 Appointment and tenure of Committee members.

As provided in the Executive order, the members, and a public member as Chairman, of the Construction Industry Stabilization Committee, which is a continuing body on which the public and employers and labor organizations in the construction industry are represented equally, shall be those individuals appointed to such positions by the Secretary. The Secretary may also appoint alternate members as he may deem appropriate. Each member of the Committee shall serve until he becomes unable to serve, or resigns, or ceases to be qualified to serve because he no longer meets the representational requirements, or is removed by the Secretary of Labor in the interest of the implementation of the order, or until the order is revoked. Any vacancies shall be filled as soon as practicable.

## § 9.12 Rules and regulations of the Committee and the Interagency Committee.

(a) The Committee shall promulgate and publish in the FEDERAL REGISTER,

upon approval by the Secretary, rules and regulations with respect to procedures before it and before the Boards in carrying out the provisions of the Executive order which will provide the information required by law for the guidance of persons affected by the order and the public and will insure effectuation of the provisions and purposes of the order in an expeditious and uniform manner. The provisions for review of wage or salary increases contained in such rules and regulations shall, among other things, give due effect to the differences between those provisions of the order for mandatory review of increases proposed under labor contracts negotiated after its promulgation and those for discretionary review of increases provided in labor contracts negotiated prior to issuance of the order which are to take effect after the order was issued. To this end, the rules and regulations of the Committee shall establish procedures adequate to insure that the parties to agreements negotiated prior to issuance of the order will not be burdened with inquiries or proceedings unnecessary to effectuation of its purposes; that review of deferred increases under such agreements will be undertaken where the Committee is satisfied from an adequate showing made by representatives of interests national in scope that there is reasonable cause for an inquiry to determine whether such a deferred increase is unreasonably inconsistent with the criteria provided in section 6 of the order; that adequately documented proposals for review of any such deferred increase under section 3(b) of the order be filed with the Committee at least 30 days prior to the scheduled effective date of the increase, with notice to all interested parties at the time of filing; and that in any review of such an increase the Committee will confer with the appropriate Board or Boards, where established. The Committee may on its own motion elect to review such a deferred increase.

(b) The Secretary will approve such rules and regulations if he finds that they provide adequately for meeting the informational requirements of 5 U.S.C. 552(a) and is satisfied that they set forth the rules necessary to provide for the expeditious and effective conduct of the Committee's responsibilities under the order and necessary to assure the effective operation of, and resolution of impasses within, any board established under the order.

(c) Rules and regulations issued by the Interagency Committee are also, under the order, subject to approval by the Secretary, who will approve them if he is satisfied that they contain the provisions necessary for the expeditious and effective conduct of such committee's responsibilities under the order and for meeting the requirements of 5 U.S.C. 552(a).

## § 9.13 Unacceptable wage increases: Certification and publication.

(a) Upon determination by a board or the Committee that a proposed wage or salary increase is not acceptable, the Committee shall promptly report the

decision to the Secretary, specifying if the unacceptable increase is a "deferred" wage or salary increase. The report shall contain information on the parties to the unacceptable wage and salary increase, the craft or branch of the industry affected, the geographical areas covered, the last rate of the old contract (for newly negotiated unacceptable increase), or of the current contract (deferred unacceptable increase), the effective date and the amount per hour of the unacceptable wage or salary increase. A copy of this section of the report shall also be forwarded to the Division of Wage Determinations, Employment Standards Administration, Department of Labor. A second section of the report shall provide any other information that the Committee deems important to provide the Secretary for the effective implementation of the sanctions provided in section 5 of the order.

(b) Certification of a determination by a Board or the Committee that a wage or salary increase is not acceptable under provisions of the order will be made by the Secretary if he is satisfied that the determination has been made in accordance with the procedures provided by the order and approved under § 9.12. When, upon receipt of notification from a Board or the Committee of its determination that a wage or salary increase is not acceptable under provisions of the order, the Secretary or his authorized representative certifies such determination, such certification shall be published in the FEDERAL REGISTER. Each certification by the Secretary shall indicate geographic areas and the crafts employed there with respect to which such wage or salary increases have been determined to be unacceptable. Copies of the certification shall be transmitted to the agencies of the Federal Government and of the District of Columbia having responsibility for awarding, or providing of financial assistance for, construction contracts, and to those States and local agencies having responsibility for determination of wage rates on public works or responsibilities with respect to federally assisted construction projects.

## § 9.14 Acceptable wage increases: Notification.

(a) Upon acceptance of a wage or salary increase the Committee will report its final action to the Secretary within eight (8) days. The report shall include the date of the action, the amount of the wage or salary increase, and the parties to the agreement, and shall identify the Board, if any, whose determination the Committee has reviewed, and the geographic area or areas and craft or crafts employed there with respect to which the wage or salary increase has been determined to be acceptable. The report shall identify the collective bargaining agreement containing the wage increase provisions which have been found acceptable and shall state the effective date of that agreement. In the event that the increase thus finally determined to be acceptable is one provided as a result of renegotiation of an

increase previously determined to be unacceptable, the report shall so state. A copy of this report shall also be forwarded to the Division of Wage Determinations, Employment Standards Administration, Department of Labor.

(b) In cases where the notice provided in paragraph (a) of this section is received by the Division of Wage Determinations, the head of the Division shall assure that the agencies to which notification of unacceptable wage increases must be transmitted pursuant to § 9.13 are advised of the approval of the renegotiated increase.

(c) The Secretary will make available such information as is contained in the report to the public, and to bureaus and offices within the Department, as requested. The Committee shall also provide for the special information requirement of the Bureau of Labor Statistics for acceptable wage and salary increases in agreements covering 1,000 or more workers.

**PROCEDURES UNDER DAVIS-BACON ACT AND OTHER PREVAILING WAGE LAWS**

**§ 9.20 Federal wage determinations under the Davis-Bacon Act and related statutes.**

In implementing the provisions of the Davis-Bacon Act, as amended, and of other Acts providing for the payment of wages predetermined by the Secretary of Labor in accordance with the Davis-Bacon Act, and in making wage determinations applicable to specified crafts employed on specified work in areas thereunder as provided in Parts 1 and 5 of this subtitle, there shall be excluded from consideration by the Secretary or his authorized representative—

(a) Any wage or salary increase affecting such a craft employed on similar construction in the area which has been put into effect in violation of the provisions of the Executive order, and

(b) Any wage or salary increase affecting such a craft employed on similar construction in the area which is in excess of that found to be acceptable under the order, whenever there has been a certification by the Secretary of a determination by a Board or the Committee that a proposed wage or salary increase is not acceptable for inclusion in a labor contract negotiated on or after the date of the order under the criteria set forth in the order, or is not acceptable for application under a labor contract negotiated prior to such date because unreasonably inconsistent with such criteria.

**§ 9.21 Wage determinations under the laws of any State.**

In implementing wage determination provisions under the laws of any State which require any wage standards on public works in such State similar to those of the Davis-Bacon Act and of other statutes requiring predetermination of wages in accordance with such Act by the Secretary of Labor, U.S. Department of Labor, the officials responsible for carrying out such provisions of law in such States shall, as required under the provisions of the Executive order, exclude from consideration any wage or

salary increase described in paragraph (a) or paragraph (b) of § 9.20 in making wage determinations under the laws of the State for construction projects, whether or not federally assisted.

**DUTIES OF AGENCIES HAVING RESPONSIBILITIES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION**

**§ 9.30 Requirements of the Executive order, in general.**

The heads of all Federal departments and agencies, subject to the direction and coordination of the Secretary of Labor, are required by section 5(b) of the order, to—

(a) Review all plans for construction and financial assistance for construction in localities in which wage or salary increases have been certified by the Secretary to be unacceptable; and to

(b) Review all current and prospective construction contracts for Federal construction and for construction on projects receiving Federal financial assistance in the area affected by the Secretary's certification; and to

(c) Determine, on the basis of such review, when such plans can be approved or continued and whether such contracts can be awarded or continued. The agency determinations upon such review must, as provided in the order, "assure that unacceptable wage rates shall not be utilized in Federal or federally related construction."

**§ 9.31 Planning adjustments—Federal construction.**

When the agency head determines, upon review as provided in § 9.30 of any plans for construction involving contracts to be entered into by the agency, that unacceptable wage rates may be utilized in the performance of work on any such contract by a craft and in an area for which a wage or salary increase has been certified by the Secretary as unacceptable, the plans for entering into such contract shall be canceled or solicitations for bids or proposals deferred until adequate assurance is provided, as a result of renegotiation of labor contract provisions or other action, that unacceptable wage rates will not be so utilized in the performance of work on any contract by such craft in such area. The adequacy of such assurance shall be determined by the agency head, subject to approval of the Secretary.

**§ 9.32 Planning adjustments—federally assisted construction.**

When the agency head determines, upon review as provided in § 9.30 of any plans for financial assistance to a construction project involving contracts to be awarded by any agency or sponsor other than a Federal or District of Columbia agency, that unacceptable wage rates may be utilized in the performance of work on any such contract by a craft and in an area for which a wage or salary increase has been certified by the Secretary as unacceptable, the plans for providing Federal assistance to such construction shall be canceled or suspended until adequate assurance is provided, as a result of

renegotiation of labor contract provisions or other action, that unacceptable wage rates will not be so utilized in the performance of work on any contract by such craft in such area. The adequacy of such assurance shall be determined by the agency head, subject to approval of the Secretary. Where the non-Federal agency or sponsor has been advised of plans for financial assistance to the project before receipt by the Federal agency of the Secretary's certification of the unacceptable wage increase, such agency or sponsor shall be promptly advised by the Federal agency of any determination to withhold such assistance as a result of the certification and the review by the agency head, and of any indicated action that might be taken to provide assurance of nonutilization of unacceptable wage rates on the project and make possible reinstatement of the plans for assistance.

**§ 9.33 Adjustments for current and prospective contracts—Federal construction.**

(a) When the agency head determines, upon review as provided in § 9.30 of current and prospective contracts, that unacceptable wage rates are being or may be utilized in the performance of work on any such contract by a craft and in an area for which a wage or salary increase has been certified by the Secretary as unacceptable, the agency shall take such action, as described in the following paragraphs, as is most appropriate to assure that unacceptable wage rates will not be utilized on the contract work.

(b) On existing contracts, where work has not begun, and except in critical situations involving national defense, the agency shall, pursuant to paragraph (a) of this section,

(1) Take such action as is authorized by law or the contract to cancel or terminate it, or

(2) Defer commencement of work on the contract until adequate assurance is provided; as a result of renegotiation of labor contract provisions or other action, that unacceptable wage rates will not be utilized in the performance of work on any contract by such craft in such area. The adequacy of such assurance shall be determined by the agency head, subject to approval of the Secretary.

(c) On existing contracts, where the work has already begun, and with due regard to the stage of completion of the project and whether it is reasonably necessary or can be reasonably delayed, the agency shall, pursuant to paragraph (a) of this section, take such action as is authorized by law or the contract to—

(1) Terminate the work and cancel the contract, or

(2) Suspend work on the contract pending receipt of adequate assurance, as a result of renegotiation of labor contract provisions or other action, that unacceptable wage rates will not be utilized in the performance of work on any contract by such craft in such area. The adequacy of such assurance shall be determined by the agency head, subject to approval of the Secretary.

(d) Where solicitations for bids or proposals for a prospective contract have been issued or negotiations for such a contract have commenced but no contract has been entered into, the agency shall, pursuant to paragraph (a) of this section, exercise existing authority to refrain from proceeding with an award of the contract or to defer such an award until adequate assurance is provided, as a result of renegotiation of labor contract provisions or other action, that unacceptable wage rates will not be utilized in the performance of work on any contract by such craft in such area. The adequacy of such assurance shall be determined by the agency head, subject to approval of the Secretary.

**§ 9.34 Adjustments for current and prospective contracts—federally assisted construction.**

When the agency head determines, upon review as provided in § 9.30 of current and prospective contracts for construction on projects receiving Federal financial assistance, that unacceptable wage rates are being or may be utilized in the performance of work on any such contract by a craft and in an area for which a wage or salary increase has been certified by the Secretary as unacceptable, the agency shall, through the exercise of its authority concerning the provision of continuance of financial assistance or otherwise, take appropriate action to assure that unacceptable wage rates will not be utilized in the performance of work on any contract by such craft in such area, and to cause the project sponsor, wherever possible, to take appropriate measures legally available to it to make certain that utilization of unacceptable wage rates on the contract work will not occur or continue, including authority to defer or refrain from contract awards, terminate the work, cancel the contract, or suspend work on the contract pending receipt of adequate assurance that no such utilization of unacceptable wage rates will occur. The adequacy of such assurance shall be determined by the agency head, subject to approval of the Secretary.

**§ 9.35 Advice to non-Federal agencies and project sponsors concerning certifications.**

When a Federal agency receives a certification from the Secretary of the non-acceptability of a wage increase affecting a locality or area in which construction financed or proposed to be financed with assistance from the agency is being or is proposed to be carried on, the State or local agency or sponsor of such construction shall be advised by the Federal agency of such certification and of the necessity and applicable procedures for the review and determination by the Federal agency required under the Executive order and § 9.30.

**REPORTS CONCERNING APPLICATION OF THE ORDER**

**§ 9.36 Reports.**

(a) Action taken by Federal agencies upon certification by the Secretary of an

unacceptable wage or salary increase, and pursuant to the provisions of §§ 9.30-9.34, shall be reported to the Department of Labor on a current basis. Each agency head shall establish procedures, acceptable to the Secretary, under which such reports will be prepared with respect to the actions taken pursuant to each such certification and transmitted to such office of the Department as the Secretary may designate.

(b) In order to insure the continued or increased effectiveness of the Executive order, the following reports shall be made:

(1) Each agency head shall forward to the Secretary as promptly as possible after the end of each quarter of the calendar year reports covering that quarter, enumerating the determinations made or actions taken pursuant to section 5(b) of the Executive order and §§ 9.30-9.34, amounts awarded by that agency for construction contracts, recommendations, if any, for the improved effectiveness of the Executive order, and such other information as the Secretary may prescribe by circular memoranda.

(2) The Chairman of the Committee shall forward to the Secretary as promptly as possible after the end of each quarter of the calendar year a report covering that quarter, with sufficient information for the Secretary to appraise the effectiveness of the order. It should contain a statistical summary of actions taken by the Committee and by the craft dispute boards during the relevant period. Any other matter which the Committee deems pertinent to appraising the effectiveness of the order should be included in the report. Suggestions for departmental and other agency actions that may assist the Committee should also be included in the report. The Chairman will also provide certain information to the Secretary on each approved settlement, including parties to the agreement, type of work, duration of agreement, base rate, cents per hour increase and effective dates.

(3) The Chairman of the Interagency Committee shall forward to the Secretary as promptly as possible after the end of each quarter of the calendar year a summary of its work in that quarter, the Interagency Committee's analysis of the effectiveness of the Executive order, and its recommendations for improvement of the stabilization of prices and compensation in the construction industry.

(4) The Secretary shall, upon examination of information supplied by the Federal agencies, Committee, Interagency Committee and other available information, prepare a report for submission to the President by December 1 of each year stating the effectiveness of the Executive order in stabilizing the prices, compensation and wages or salaries in the construction industry for the period ending October 31 of such year and further stating recommendations considered either advisable or necessary for the stabilization of such prices, compensation and wages or salaries in the construction industry. Such reports shall include, but not be limited to, a compila-

tion of the prices, compensation and wage or salary increases deemed acceptable or unacceptable, a statement of the changes in prices, compensation, and wages or salaries in federally assisted construction programs, an evaluation of the degree of compliance with the Executive order, and an analysis of the price, compensation, and wage or salary trends within the construction industry.

Signed at Washington, D.C., this 1st day of October 1971.

J. D. HODGSON,  
Secretary of Labor.

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**Chapter XVIII—Construction Industry Stabilization Committee**

**PART 2001—WAGE STABILIZATION PROCEDURES IN THE CONSTRUCTION INDUSTRY**

**Implementation of Executive Order No. 11588**

The President issued Executive Order No. 11588 (36 F.R. 6339) on March 29, 1971, pursuant to the Economic Stabilization Act of 1970 (84 Stat. 799, as amended), in order to stabilize wages and prices in the construction industry, for reasons detailed in the Executive order.

To implement that order a new Chapter XVIII is added to Title 29, Code of Federal Regulations, and a new Part 2001 thereunder.

As the Executive order, among other things, requires approval of certain wage increases, and requires that increases in excess of those found acceptable under the order be disregarded in the making of prevailing wage determinations under the Davis-Bacon Act and related statutes, and as delay in approval may be tantamount to refusal to approve, accordingly notice, public procedure, and delay in the effective date are, in view of the public exigency, found contrary to the public interest within the meaning of 5 U.S.C. 553. This chapter and part shall therefore be effective upon publication in the FEDERAL REGISTER.

A new chapter, Chapter XVIII and a new part, Part 2001, are added to Title 29, Code of Federal Regulations, as follows:

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2001.2	Definitions.
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2001.3	Establishment of Boards.
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2001.6	Establishment of the Committee.
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2001.10	Submission of newly negotiated labor contracts.
2001.11	Submission of wage increases scheduled to take effect pursuant to contracts negotiated prior to Executive Order 11588.

SUBMISSION OF DISPUTES

- Sec.  
2001.20 Unresolved collective bargaining disputes.

CRITERIA GOVERNING DETERMINATIONS

- 2001.30 Acceptability of wage or salary increases.

PROCEDURES BEFORE A BOARD

- 2001.40 Records of matters submitted.  
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PROCEDURES BEFORE THE COMMITTEE

- 2001.50 Records of matters submitted or received.  
2001.51 Review of matters forwarded by a Board.  
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PUBLICATION OF DETERMINATIONS

- 2001.60 Publication requirements.

RENEGOTIATION OF UNACCEPTABLE WAGE OR SALARY INCREASES

- 2001.70 Responsibilities of the parties.

**AUTHORITY:** The provisions of this Part 2001 issued under Public Law 91-379, secs. 202-203, 84 Stat. 799 as amended; 12 U.S.C. 1904 note; and Executive Order No. 11588, 36 F.R. 6339.

GENERAL

§ 2001.1 Purpose of this part.

This part sets forth the rules and regulations necessary to provide for the expeditious and effective conduct of the responsibilities of the Construction Industry Stabilization Committee under Executive Order No. 11588, to assure the effective operation of Craft Dispute Boards established pursuant to the Executive order, to provide for the resolution of impasses within a Board, and to effectuate the purposes of such order.

§ 2001.2 Definitions.

(a) "Committee" means the Construction Industry Stabilization Committee established pursuant to Executive Order No. 11588 (36 F.R. 6339).

(b) "Chairman" means the Chairman of the Construction Industry Stabilization Committee.

(c) "Board" means each Craft Dispute Board jointly established by national contractor associations and national and international unions pursuant to the provisions of Executive Order 11588 and this part.

(d) "Secretary" means the Secretary of Labor, U.S. Department of Labor.

(e) "Executive order" or "order" means Executive Order No. 11588 (36 F.R. 6339).

(f) "Construction" means (1) all work relating to the erecting, constructing, altering, remodeling, painting, or decorating of installations such as buildings, bridges, highways, and the like, when performed on a contract basis, but shall not include maintenance work performed by workers employed on a permanent basis in a particular plant or facility for the purpose of keeping such plant or facility in efficient operating condition; (2) the transporting of materials and supplies to or from a particular building

or project by the workers of the contractor or subcontractor performing the construction or the manufacturing of materials, supplies, or equipment on the site of a project by such workers; and (3) all other work classified as construction in § 5.2(g) of Part 5, of this title.

(g) "Labor contract" means a collectively bargained agreement which is effective to bind the parties with respect to wages or salaries, subject only to such approval as is required by the Executive order and under the procedures in this part.

(h) "Wage or salary" and "economic adjustment" means all wage or salary rate schedules and economic adjustments established pursuant to a collective bargaining agreement in the construction industry.

CRAFT DISPUTE BOARDS

§ 2001.3 Establishment of Boards.

(a) The Executive order provides, in section 2, that associations of contractors and national and international unions shall jointly establish Craft Dispute Boards. Each Board, when established, shall promptly advise the Secretary and the Committee, in writing, of the names and association or union affiliation of its respective members, the name adopted for the Board and the address to which communications to the Board should be sent, the crafts or branches in the construction industry over whose wages and salaries it will have jurisdiction, its meeting place and telephone number. A directory containing such information will be maintained by the Committee and the information will be furnished to any interested person upon request addressed to the Committee at Washington, D.C. 20210.

(b) Each Board, when established, shall have the functions and shall follow the procedures set forth in this part and shall keep the Secretary and the Committee advised of any additional case-handling procedures, consistent with this part, which it may adopt.

§ 2001.4 Composition of each Board.

Each Board shall be composed of appropriate labor and management representatives in equal number consisting of persons representative of labor organizations in the construction industry and persons representative of employers in the craft or crafts covered by the Board in the construction industry.

§ 2001.5 Jurisdiction.

Each such Board shall have jurisdiction, with respect to wage and salary increases negotiated or being negotiated in the appropriate craft or branch in any locality—

(a) To provide advice and assistance in an effort to resolve any unresolved collective bargaining disputes involving wages or salaries; and

(b) To consider and determine, subject to the provisions of the Executive order and this part, whether the wages and salaries provided in any labor contract negotiated for the craft or branch are acceptable in accordance with the criteria set forth in § 2001.30.

THE COMMITTEE

§ 2001.6 Establishment of the Committee.

The Construction Industry Stabilization Committee is established by the Executive order (section 1(a)) to assure generally conformance of any increase in any wage or salary in the construction industry to the provisions of the order.

§ 2001.7 Composition of the Committee.

The Committee is composed of 12 members appointed by the Secretary of Labor. Four members of the Committee are persons representative of labor organizations in the construction industry; four members are persons representative of employers in the construction industry; and four members are representative of the public. The Secretary shall also have authority to appoint alternate representatives of labor organizations and of national employer associations in the construction industry. The Chairman of the Committee appointed by the Secretary of Labor is one of the public members.

§ 2001.8 Jurisdiction.

(a) The Committee has jurisdiction—

(1) To review, pursuant to the provisions of the Executive order, the acceptability under the criteria set forth in § 2001.11 of collectively bargained wage or salary increases in the construction industry which have been forwarded by a Board for consideration by the Committee;

(2) To review collectively bargained wage or salary increases in the construction industry, proposed or scheduled to take effect on or after March 29, 1971, which have not yet been reported by a Board, or in the event an appropriate Board has not yet been established; and

(3) To review collectively bargained wage or salary increases in the construction industry on its own initiative regardless of the existence of an appropriate Board and any action commenced or completed by said Board.

(b) The Committee's jurisdiction as set forth in paragraph (a) of this section includes the authority to examine collective bargaining agreements negotiated prior to March 29, 1971, which contain wage or salary increases scheduled to take effect on or after such date to determine whether any increase is unreasonably inconsistent with the criteria set forth in the Executive order and § 2001.12.

(c) The Committee shall have jurisdiction to perform such other functions as may be necessary to effectuate the purposes of the Executive order, including the establishment of general guidelines and principles for review of wage and salary increases and directions to the various Boards under which they shall carry out their responsibilities under the Executive order.

SUBMISSION OF LABOR CONTRACTS

§ 2001.10 Submission of newly negotiated labor contracts.

(a) The parties to a labor contract negotiated in the construction industry



after March 28, 1971 shall within 15 days submit that contract, together with supporting data in a format approved by the Committee, to the appropriate Board for review as to the acceptability of any proposed wage or salary increase.

(b) Where there is no appropriate Board to consider the acceptability of a proposed wage or salary increase, the parties to the labor contract shall submit such contract with such supporting data to the affected national or international union and the affected association of contractors within such period and such union and association shall promptly submit the contract and supporting data to the Committee.

(c) Unless and until an increase in wage or salary has been finally approved pursuant to such a submission, under the provisions of the Executive order and this part, it is a violation of the order to put such a wage or salary increase into effect.

**§ 2001.11** Submission of wage increases scheduled to take effect pursuant to contracts negotiated prior to Executive Order 11588.

It is not a violation of the order to place in effect without prior approval of a Board or the Committee a wage or salary increase contained in a labor contract negotiated to finality before March 29, 1971 and scheduled to take effect on or after such date. No pro forma protest concerning such a deferred increase will be considered. However, in the event that a national contractor association, a national labor union, or a Federal Government agency asserts that any such deferred increase is unreasonably inconsistent with the criteria set forth in the Executive order and § 2001.12, such association, union, or agency shall submit the matter directly to the Committee for review. The submission shall include the appropriate wage and benefit data as required in other cases and a detailed statement regarding the deferred increase or increases, with the reasons for asserting that such increase or increases are unreasonably inconsistent with the criteria; it shall also give notice that copies of the complaint have been served on all interested national and local parties to the agreement and shall provide the Committee with the names and addresses of the notified parties.

#### SUBMISSION OF DISPUTES

**§ 2001.20** Unresolved collective bargaining disputes.

Pursuant to the requirements of the Executive order and this part, unresolved collective bargaining disputes involving wages or salaries or other economic adjustments may be submitted to a Board (or to the Committee, as appropriate) for advice and assistance in an effort to resolve the dispute. A Board or the Committee, or both, shall provide such advice and assistance as it deems appropriate, upon request or upon its own initiative, in an effort to resolve any such dispute, which may include the providing of guidelines.

#### CRITERIA GOVERNING DETERMINATIONS

**§ 2001.30** Acceptability of wage or salary increases.

Determinations by a Board as to whether any wage or salary increases are acceptable shall be based on the following criteria and these criteria will be applied by the Committee in reviewing any matters before it:

(a) Acceptable economic adjustments in labor contracts negotiated on or after March 29, 1971, will be those normally considered supportable by productivity improvement and cost of living trends, but not in excess of the average of the annual median increases in wages and benefits over the life of the contract negotiated in major construction settlements in the period 1961 to 1968, as determined in accordance with data from the Bureau of Labor Statistics (Bulletin No. 1656, "Compensation in the Construction Industry," p. 37, Table 12 (1970), copies of which are on file for inspection at the Bureau of Labor Statistics, Department of Labor, Washington, D.C.).

(b) Equity adjustments in labor contracts negotiated on or after March 29, 1971 may, where carefully identified, be considered over the life of the contract to restore traditional relationships among crafts in a single locality and within the same craft in surrounding localities.

#### PROCEDURES BEFORE A BOARD

**§ 2001.40** Records of matters submitted.

A docket of matters submitted to a Board pursuant to provisions of § 2001.10 shall be maintained by the Board. Each case shall be assigned a number and appropriate entries shall be made concerning the matters filed and date of filing, and with respect to all actions taken thereon by the Board. An appropriate case index by names of parties shall be maintained.

**§ 2001.41** Review by a Board.

(a) *Review of newly negotiated labor contracts.* A Board shall promptly examine every labor contract negotiated on or after March 29, 1971, together with the supporting data submitted as provided in § 2001.10(a), and determine in accordance with the applicable criteria whether wage and salary increases in the contract are acceptable and may thus be approved. The Board shall have the authority to request such additional information as may be deemed necessary. The parties to the labor contract shall have a reasonable opportunity to submit to the Board written data, views, or arguments relative to the issues. If deemed necessary by the Board, an opportunity for oral presentation may be given.

(b) *Review of scheduled deferred wage increases under contracts negotiated prior to Executive order.* A Board, whenever requested by the Committee in connection with a review by the latter of any wage or salary increase contained in a collective bargaining agreement negotiated to finality prior to March 29, 1971,

but scheduled to take effect on or after such date, shall confer with and otherwise assist the Committee in determining whether such increase is unreasonably inconsistent with the criteria as set forth in the Executive order and § 2001.30.

**§ 2001.42** Determinations by a Board.

(a) *Voting and quorum requirements.* Approvals of increases by a Board shall be unanimous. The labor representatives group and the management representatives group shall each have one vote. Each group shall establish its own rules as to how its one vote shall be determined. A quorum shall consist of at least one representative from each group. Except as herein provided, a Board shall have authority to determine its own internal procedures.

(b) *Determination and notification procedures.* A Board shall make determinations within a reasonable time (not to exceed 21 days after receipt of the labor contract and supporting data unless a longer period is authorized or approved by the Committee), and notify the parties and the Committee in writing of action taken. When it is determined by a Board that a wage or salary increase is not acceptable or is unreasonably inconsistent with the criteria set forth in § 2001.30, the Board shall also notify the Secretary. The notice shall advise the parties as to its decision that the increase is unacceptable, and may provide guidelines for new negotiations. The Board shall make available at the office of the secretary of the Committee, for public inspection and copying as provided in § 2001.60, all its final opinions and any orders made in the adjudication of cases.

(c) *Impasses.* If the Board cannot agree on a determination within the prescribed time, it shall forward the matter to the Committee for decision as provided in § 2001.51.

#### PROCEDURES BEFORE THE COMMITTEE

**§ 2001.50** Records of matters submitted or received.

The Committee shall maintain a case docket and appropriate records covering all matters submitted or received for its consideration, including indices of the cases by number and by names of the parties.

**§ 2001.51** Review of matters forwarded by a Board.

In all cases accepted by the Committee to review wage or salary increases approved by a Board, or in cases where the Board is unable to agree on the acceptability of such increases, it shall be the duty of the Board forthwith to file with the Committee the record relating to the acceptability of the wage or salary increase. In its discretion or at the request of the Committee, the Board shall, in addition, file with the Committee a statement setting forth its views. The Committee shall have the authority to request such additional information as may be deemed necessary.

§ 2001.52 Review upon Committee's own motion.

(a) When the Committee upon its own motion takes jurisdiction as provided in § 2001.8(a) (2), and (3) to review any proposed or scheduled wage or salary increase, it shall have the authority to require the submission of such data as may be deemed necessary and appropriate to resolve the matter.

(b) When any labor contract negotiated to finality before March 29, 1971 which provides for deferred wage or salary increases to become effective on or after such date is submitted for the Committee's review as provided in § 2001.11, the Committee shall consult with the appropriate Board, where established, prior to making its determination as to whether such wage or salary increases are unreasonably inconsistent with the criteria set forth in the Executive order and § 2001.30.

§ 2001.53 Opportunity to present views.

In their discretion or at the request of the Committee, the parties to the labor contract or the appropriate Board, if any, shall file with the Committee a statement setting forth their views, and shall have a reasonable opportunity to submit to the Committee written data and arguments relative to the issues. If deemed necessary by the Committee, an opportunity for oral presentation may be given. If the Committee, on its own initiative, or at the request of the appropriate Board or the parties decides to hear the parties in person, such hearings may be held by a panel or subcommittee of the CISC or by the entire Committee. In any such case, if the parties do appear, it will be at no expense to the U.S. Government. Any parties unable or unwilling to appear may submit their views in writing.

§ 2001.54 Determinations by the Committee.

(a) *Voting and quorum requirements.* Determinations concerning the acceptability of wage or salary increases shall be made by majority vote of the full Committee or a quorum thereof. Six members of the Committee shall constitute a quorum provided that at least two public members, two members representative of labor organizations, and two members representatives of employers are present in person.

(b) *Determination and notification procedures.* The Committee shall determine the acceptability of the wage or salary increase on the basis of all relevant matter contained in the entire record before it. The Committee shall notify the parties, the appropriate Board, if any, and the Secretary of its final action. If the Committee finds the wage or salary increase unacceptable, it shall advise the parties to the negotiations and the appropriate Board, if any, as to the basis for its decision. The Committee shall also make available at its office through its secretary, for public inspection and copy-

ing, all its final opinions and any orders made in the adjudication of cases.

§ 2001.55 Advice and assistance in disputes.

When a work stoppage in the construction industry is in progress or threatened by reason of a collective bargaining dispute involving wages or salaries, the Committee may on its own initiative or at the request of the parties decide to render advice and assistance in an effort to end or avoid such work stoppage. If it would not be an undue burden upon the parties, the Committee may ask them to meet with a panel or subcommittee of the CISC or the entire Committee in Washington, D.C. In any such case, the parties would have to come to Washington at no expense to the U.S. Government. If it would be an undue burden upon one or both parties, financially or otherwise, to come to Washington, the Committee may in its discretion send members or staff to the locality of the actual or threatened work stoppage to meet with the parties.

PUBLICATION OF DETERMINATIONS

§ 2001.60 Publication requirements.

(a) The Committee and the Boards shall make public their determinations, specifying the craft and area affected and the wages or salaries found acceptable or deemed unacceptable. Determinations that wage or salary increases are not acceptable shall be transmitted to the Secretary as provided in this part.

(b) For records available for inspection and copying pursuant to provisions of 5 U.S.C. 522 and this part, copying facilities and services will be made available at the offices of the Committee at reasonable times during business hours on the same basis as is provided in § 70.6 of this title with respect to copying of records of the Department of Labor.

RENEGOTIATION OF UNACCEPTABLE WAGE OR SALARY INCREASES

§ 2001.70 Responsibilities of the parties.

In the event that a Board or the Committee shall determine that a wage salary increase is not acceptable, the employers and employees and their representatives affected by the determination shall promptly attempt to renegotiate the contract and shall participate fully and promptly in such meetings as may be undertaken by the Federal Mediation and Conciliation Service for the purpose of aiding the parties to reach a new collective bargaining agreement.

Signed at Washington, D.C., this 1st day of October 1971.

For the Construction Industry Stabilization Committee.

JOHN T. DUNLOP,  
Chairman.

Approved:

J. D. HODGSON,  
Secretary of Labor.

[FR Doc.71-14733 Filed 10-7-71;8:45 am]

Title 30—MINERAL RESOURCES

Chapter I—Bureau of Mines,  
Department of the Interior

SUBCHAPTER O—COAL MINE HEALTH AND  
SAFETY

PART 75—MANDATORY SAFETY  
STANDARDS, UNDERGROUND  
COAL MINES

Fire Suppression Devices and Fire-  
Resistant Hydraulic Fluids on  
Underground Equipment

In accordance with the provisions of section 311(e) of the Federal Coal Mine Health and Safety Act of 1969 (Public Law 91-173), and pursuant to the authority vested in the Secretary of the Interior under section 301(d) of the Act, there was published in the FEDERAL REGISTER for February 25, 1971 (36 F.R. 3470-3472), a notice of proposed rule making setting forth an amendment to Part 75 of Subchapter O, Chapter I, Title 30, Code of Federal Regulations. The proposed amendment was to add §§ 75.1107-1 thru 75.1107-15 which set forth specifications for fire suppression devices required to be installed on attended and unattended underground equipment and designate suitable fire-resistant hydraulic fluids approved by the Secretary for use in hydraulic systems of such equipment.

Interested persons were afforded a period of 45 days from the date of publication of the notice in which to submit written comments, suggestions or objections to the proposed amendments. All comments, suggestions, and objections which were submitted were given careful consideration. Some of the standards have been revised as suggested; in other instances, revisions were made in view of the comments received.

Part 75 of Chapter I, Subchapter O, Title 30, Code of Federal Regulations is amended by adding §§ 75.1107-1 thru 75.1107-15 as set forth below. These standards shall become effective 45 days after publication in the FEDERAL REGISTER.

GENE P. MORRELL,  
Acting Assistant Secretary  
of the Interior.

OCTOBER 1, 1971.

Part 75 of Chapter I, Subchapter O, Title 30, Code of Federal Regulations is amended by adding the following:

§ 75.1107-1 Unattended underground equipment; approved fire suppression devices; approved fire-resistant hydraulic fluids; requirements.

(a) Approved fire-resistant hydraulic fluids shall be used in the hydraulic system of (1) all unattended underground equipment which uses hydraulic fluid, which employs an electric current supplied by either a power conductor or battery, which consumes more than 2,250 watts of electricity and which is mounted in a fixed location, or is to be mounted

in a fixed location, for a period of 3 months, or more, and (2) all other underground equipment which uses hydraulic fluid and is not equipped with an approved fire suppression device.

(b) Fire suppression devices shall be installed on (1) all unattended underground equipment which employs an electric current supplied by either a power conductor or battery and consumes more than 2,250 watts of electricity and is mounted in a fixed location, or to be mounted in a fixed location, for a period of 3 months or more, and (2) all other underground equipment which consumes more than 2,250 watts of electricity and which uses hydraulic fluid and does not employ approved fire-resistant hydraulic fluid in its hydraulic system.

(c) For purposes of §§ 75.1107 thru 75.1107-15 the following underground equipment shall be considered attended equipment:

(1) Any machine or device operated by a miner regularly assigned to operate such equipment;

(2) Any machine or device which is mounted in the direct line of sight of a job-site located within 500 feet of such equipment which is regularly occupied by a miner assigned to perform job duties at such job-site during each production shift.

(3) Any machine or device monitored or inspected by workmen at intervals not exceeding 30 minutes during production shifts.

(d) Machines and devices described under paragraph (c) of this section must be inspected and the input powerline deenergized when workmen leave the area for more than 30 minutes.

#### § 75.1107-2 Approved fire-resistant hydraulic fluids; minimum requirements.

Fire-resistant hydraulic fluids and concentrates required to be employed in the hydraulic system of underground equipment in accordance with the provisions of § 75.1107-1 shall be considered suitable only if they have been produced under an approval, or any modification thereof, issued pursuant to Bureau of Mines Schedule 30 (Part 35, Subchapter E of Chapter I, of this title), or any revision thereof.

#### § 75.1107-3 Fire suppression devices; approved components; installation requirements.

(a) The components of each fire suppression device required to be installed in accordance with the provisions of § 75.1107-1 shall where appropriate be listed by Underwriters Laboratories, Inc., or approved by Factory Mutual Laboratories, Inc., or other nationally recognized agencies.

(b) Fire suppression devices required to be installed in accordance with the provisions of § 75.1107-1 shall where appropriate meet the manufacturer's specifications for installation and maintenance.

#### § 75.1107-4 Fire suppression devices; minimum requirements; general.

(a) Fire suppression devices installed on underground equipment on and after

March 30, 1971, shall be assembled from components which meet the minimum requirements set forth in §§ 75.1107-5 through 75.1107-11.

(b) Any other fire suppression device, the components of which have been approved by the Secretary, which provides no less effective means of suppressing fires on underground equipment shall meet the requirements of § 75.1107-3.

#### § 75.1107-5 Automatic fire sensors and manual actuators; installation; minimum requirements.

(a) (1) Where fire suppression devices are installed on unattended underground equipment, one or more point-type sensors or equivalent shall be installed for each 50 square feet of top surface area, or fraction thereof, of such equipment, and each sensor shall be designed to activate the fire suppression system and disconnect the electrical power source to the equipment protected. In addition, a manual control shall be installed to operate the system. Where sprinklers are used, provision shall be made for manual application of water.

(2) Where manually activated fire suppression devices are installed on attended underground equipment, where practical two or more manual controls to operate the system shall be provided at different locations on equipment purchased after March 30, 1971. A single manual control may be used on equipment purchased prior to March 30, 1971.

(i) Where manual actuators are installed on equipment regularly operated by a miner, at least one manual control shall be located within easy reach of the operator's normal operating position.

(ii) Where manual controls are installed on equipment not regularly operated by a miner, manual controls shall be located within easy reach of any person approaching the equipment to extinguish a fire.

(b) Sensors shall, where practicable, be installed in accordance with the recommendations set forth in "Local Protective Signaling Systems," National Fire Protection Association, Code No. 72A.

(c) Each fire suppression device installed on unattended underground equipment shall be provided with a standby power source or equivalent which will remain operative for a minimum of 4 hours after the protective equipment has been deenergized.

(d) Sensors located in ventilated passageways which have preset temperature actuators shall, where practicable, be installed downwind from the equipment protected.

(e) Sensor systems and manual controls installed to actuate fire suppression devices shall include a warning indicator, test arrangement, or other suitable method for showing the operative condition of the fire control actuator.

#### § 75.1107-6 Electrical components of fire suppression devices; permissibility requirements.

The electrical components of each fire suppression device used on permissible equipment in the last open crosscut or in the return airways of any coal mine shall be permissible and such components

shall be maintained in permissible condition.

#### § 75.1107-7 Capacity of fire suppression devices; location and direction of nozzles.

(a) Each fire suppression device shall be:

(1) Adequate in size and capacity and equipped with full cone nozzles (or equivalent) sufficient to extinguish the quantity of combustibles present in the equipment protected;

(2) Suitable for the potential class of fire(s) which may be encountered;

(3) Suitable for the atmospheric conditions surrounding the equipment protected (e.g., air velocity, type and proximity of adjacent combustible material); and

(4) When installed on mining equipment, rugged enough to withstand rough usage and vibration.

(b) The extinguishant-discharge nozzles of each fire suppression device shall, where practicable, be located so as to take advantage of existing mine ventilation air currents. The fire suppression device can be of the internal injection, inundating or combination type. Where fire control is achieved by internal injection, hazardous locations shall be enclosed to minimize runoff and overshoot of the extinguishing agent; the nozzles shall be installed to direct the extinguishing agent as follows:

(1) Onto cable reel components and electrical cables on the equipment which are subject to flexing or to external damage.

(2) Onto all hydraulic components on the equipment which are exposed directly to or located in the immediate vicinity of electrical cables which are subject to flexing or to damage.

#### § 75.1107-8 Water spray devices; capacity; water supply; minimum requirements.

(a) Where water spray devices are used for inundating unattended underground equipment the rate of flow shall be at least 0.25 gallons per square foot per minute over the top surface area of the equipment and the supply of water shall be adequate to provide the required flow of water for 10 minutes.

(b) Where water spray devices are used for inundating attended underground equipment the rate of flow shall be at least 0.18 gallon per square foot per minute over the top surface area and into the cable reel compartment of the equipment (excluding conveyors, cutters, and gathering heads), and the supply of water shall be adequate to provide the required flow of water for 10 minutes.

(c) Where water is used for internal injection on attended equipment the total quantity of water shall be at least 4.5 gallons times the number of hazardous locations; however, the total minimum amount of water shall not be less than the following:

Type of Equipment	Water in gallons
(1) Cutting machines.....	36
(2) Continuous miners.....	36
(3) Haulage vehicles.....	22.5
(4) All other attended equipment	18.0



The rate of flow shall be not less than 7 gallons per minute.

(d) Where water (or liquid chemical) sprays are used as combination internal injection and inundation systems, such systems shall meet the requirements of paragraphs (b) and (c) of this section except that the minimum quantity of water required in paragraph (c) of this section may be reduced by one-half, or if a liquid chemical is used in the internal injection portion of the system (saturated, potassium bicarbonate solution or equivalent), the reduction may be two-thirds; the time for discharge of the required minimum amount of water or liquid chemical in the internal injection portion of the system shall not be less than one nor more than 3 minutes. The inundation portion of the system shall connect to a 50-foot, machine-mounted hose stub. Fire hydrants with sufficient hose shall be provided in proximity to the protected equipment. Hose couplings shall be of a type that the time required to connect the equipment hose to the hydrant hose does not exceed 2 minutes.

(e) The amount of water discharged into the cable reel compartments of underground equipment regularly operated by a miner shall be approximately 25 percent of the amount required to be discharged by the system, however, the quantity of water discharged into cable reel compartments need not exceed 10 gallons.

(f) Where practical, an inhibitor such as potassium bicarbonate, shall be added to self-contained water supplies.

(g) Water or liquid chemical systems supplying fire suppression devices for all underground equipment shall:

(1) Be maintained at a pressure consistent with the pipe, fittings, valves, and nozzles used in the system.

(2) Be located so as to be protected against damage during operation of the equipment protected.

(3) Employ water which is free from excessive sediment and noncorrosive to the system.

(4) Include strainers equipped with flush-out connections or equivalent protective devices and a rising stem or other visual indicator-type shut-off valve.

(h) Water supplies for fire suppression devices installed on underground equipment may be maintained in mounted water tanks or by connection to water mains. Such water supplies shall be continuously connected to the fire suppression device whenever the equipment is connected to a power source.

#### § 75.1107-9 Dry powder devices; capacity; minimum requirements.

(a) Dry powder fire extinguishing systems used on underground equipment shall be of the multipurpose powder type and shall include the following:

(1) The system including all hose and nozzles shall be protected against the entrance of moisture, dust, or dirt;

(2) The system shall be guarded against damage during operation of the equipment protected;

(3) Hose, if used, shall be protected by wire braid or its equivalent;

(4) Hose and pipe shall be as short as possible, and the maximum distance between the reservoir and each discharge nozzle shall not exceed 50 feet;

(5) The metal hose and piping between the control valve and nozzle shall have a bursting pressure of 500 pounds per square inch (gage) or higher; and,

(6) The system shall discharge in 40 seconds or less, for quantities less than 50 pounds (nominal) and in less than 60 seconds for quantities more than 50 pounds (nominal).

(b) Where multipurpose dry powder is employed as an extinguishing agent on unattended underground equipment, the number of pounds of dry powder employed by the system shall be not less than 1 pound per square foot of top surface area of the equipment; however, the minimum amount of dry powder in any system shall be not less than 30 pounds (nominal). Where practical, the discharge of the dry powder shall be directed into the machine and onto other potentially hazardous locations.

(c) Where multipurpose dry powder is employed as an extinguishing agent on attended underground equipment, the number of pounds (nominal) of dry powder employed by the system shall equal 5 times the total number of hazardous locations; however, the minimum amount of dry powder in any system shall not be less than the following, except that dry powder systems on haulage vehicles installed prior to March 30, 1971, may contain 20 pounds (nominal):

Type of equipment	Dry powder pounds
(1) Cutting machines-----	40
(2) Continuous miners-----	40
(3) Haulage vehicles-----	30
(4) All other attended equipment----	20

(d) The amount of dry powder discharged into the cable reel compartments of all attended underground equipment shall be approximately 25 percent of the total amount required to be discharged by the system; however, the quantity discharged into cable reel compartments need not exceed 10 pounds.

#### § 75.1107-10 High expansion foam devices; minimum capacity.

(a) Where high expansion foam is employed as an extinguishing agent on unattended underground equipment the amount of water delivered as high expansion foam for a period of approximately 20 minutes shall be not less than 0.06 gallon per minute per square foot of surface area of the equipment protected; however, the minimum total rate for any installation shall be not less than 3 gallons per minute.

(b) Where high expansion foam is used as an extinguishing agent on attended underground equipment, fire may be suppressed by internal injection or by inundation of the equipment provided, however, that each such system shall deliver water as foam for a minimum of 10 minutes. For internal injection, the rate of water application as high expansion foam shall be not less than 0.5 gallon per minute per hazardous location;

however, the minimum total rate shall be not less than 2 gallons per minute. For inundation, the rate of water application as high expansion foam shall be not less than 0.05 gallon per minute per square foot of top surface area of the equipment protected; however, the minimum total rate shall be not less than 5 gallons of water per minute.

(c) Where internal injection is employed, the amount of water discharged as high expansion foam into the cable reel compartments of underground equipment regularly operated by a miner shall be approximately 25 percent of the total amount required to be discharged by the system; however, the quantity of water discharged as foam into the cable reel compartment need not exceed 1.5 gallons.

#### § 75.1107-11 Extinguishing agents; requirements on mining equipment employed in low coal.

Where fire suppression devices are installed on mining equipment no more than 32 inches high, the quantity of extinguishing agent required under the provisions of §§ 75.1107-8, 75.1107-9, and 75.1107-10 may be reduced by one-fourth if space limitations on the equipment require such reduction.

#### § 75.1107-12 Inerting of mine atmosphere prohibited.

No fire suppression device designed to control fire by total flooding shall be installed to protect unattended underground equipment except in enclosed dead-end entries or enclosed rooms as defined in National Fire Protection Association Code No. 17.

#### § 75.1107-13 Guards and handrails; requirements where fire suppression devices are employed.

All underground equipment provided with fire suppression devices which are mounted in dead-end entries, enclosed rooms or other potentially hazardous locations shall be equipped with adequate guards at moving or rotating components. Handrails or other effective protective devices shall be installed at such locations where necessary to facilitate rapid egress from the area surrounding such equipment.

#### § 75.1107-14 Fire suppression devices; hazards; training of miners.

Each operator shall instruct all miners normally assigned to the active workings of the mine with respect to any hazards inherent in the operation of all fire suppression devices installed in accordance with § 75.1107-1 and, where appropriate, the safeguards available at each such installation.

#### § 75.1107-15 Inspection of fire suppression devices.

All fire suppression devices shall be visually inspected at least once each week by a person qualified to make such inspections and each fire suppression device shall be subjected to a functional maintenance test and inspection at least once each year. A record of the annual

inspections shall be maintained by the operator; the record of the weekly inspections may be maintained at an appropriate location by each fire suppression device.

[FR Doc.71-14735 Filed 10-7-71;8:45 am]

## Title 41—PUBLIC CONTRACTS AND PROPERTY-MANAGEMENT

### Chapter 3—Department of Health, Education, and Welfare

#### PART 3-1—GENERAL

##### Miscellaneous Amendments

On May 13, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 8814) stating that the Department of Health, Education, and Welfare was considering an amendment to 41 CFR Chapter 3 by adding a new § 3-1.352 under Subpart 3-1.3, General Policies. The purpose of the amendment is to establish the policy that Federal funds will not be expended for purchasing drug products classified "ineffective" or "possibly effective" by the Food and Drug Administration, with certain exceptions, for use in the Department's direct care programs and related contract care programs.

Interested persons were invited to submit relevant data, views, or arguments within 30 days after publication. Written comments were received, and after due consideration to the views presented, the regulation is revised and hereby adopted as set forth below.

(5 U.S.C. 301; 40 U.S.C. 486(c))

**Effective date.** This amendment shall be effective upon publication in the FEDERAL REGISTER (10-8-71).

Dated: October 1, 1971.

ROBERT C. COULTER,  
Acting Deputy Assistant Secretary  
for Administration.

#### PART 3-1—GENERAL

1. The table of contents for Part 3-1 is amended by adding new § 3-1.352 under Subpart 3-1.3 as follows:

Sec.  
3-1.352 Drug products—effectiveness.  
3-1.352-1 General.  
3-1.352-2 Definitions.  
3-1.352-3 Policy.  
3-1.352-4 Distribution of information.  
3-1.352-5 Procedure.

##### Subpart 3-1.3—General Policies

2. Section 3-1.352 is added as follows:

§ 3-1.352 Drug products—effectiveness.

§ 3-1.352-1 General.

(a) The National Academy of Sciences/National Research Council, after a review of the clinical data of drug products for which New Drug Applications had been approved by the Food and Drug Administration between 1938 and 1962, has submitted reports to the

Food and Drug Administration containing recommendations for the effectiveness classification for each indication of each drug product. Notices of the Food and Drug Administration judgments on the effectiveness of these drug products are published in the FEDERAL REGISTER.

(b) In arriving at its decision in determining the effectiveness of a drug product, the judgments of the NAS-NRC Panel are based on the following criteria:

(1) Factual information that is freely available in the scientific literature;

(2) Factual information that is available from the FDA, from the manufacturer or other sources; or

(3) On the experience and informed judgment of the members of the Panels.

##### § 3-1.352-2 Definitions.

The indications referred to in these definitions corresponds with the reference that is made in the law to "the effect the drug purports or is represented to have under the conditions of use prescribed, recommended or suggested in the proposed labeling." This is to say that the indications are the claims that are cited in the labeling of a given drug.

(a) *Category A—Effective.* For the presented indication, the drug is effective on the basis of the criteria stated in § 3-1.352-1(b).

(b) *Category B—Probably effective.* For the indication presented effectiveness of the drug is probable on the basis of the criteria stated in § 3-1.352-1(b), but additional evidence in required before it can be assigned to Category A.

(c) *Category C—Possibly effective.* In relation to the indication in question, there is little evidence of effectiveness under any of the criteria stated in § 3-1.352-1(b). The possibility that additional supporting evidence might be developed should not be ruled out, however.

(d) *Category D—Ineffective.* In relation to the indication in question, there is no acceptable evidence under any of the criteria stated in § 3-1.352-1(b) to support a claim of effectiveness.

##### § 3-1.352-3 Policy.

(a) It is the policy of the Department that Federal funds will not be expended for purchasing drug products classified "ineffective" or "possibly effective" for use in its direct care programs (refer to § 103-25.358 of this title) and its contract care programs under the direct care programs with the following two exceptions:

(1) Federal funds may be expended to purchase "ineffective" and "possibly effective" drug products for use in the pursuit of approved clinical research projects.

(2) Federal funds may be expended to purchase a "possibly effective" drug product when no alternate means of therapy with drug products in the "probably effective" or "effective" classification are available.

(b) This policy also applies to similar drug products marketed by the same or other firms.

(c) Drug products listed as "ineffective" have been classified as "ineffective" for all indications or an unfavorable benefit to risk ratio exists. Drug products listed as "possibly effective" have been classified as either "ineffective" or "possibly effective" for each indication.

##### § 3-1.352-4 Distribution of information.

(a) The Chief Pharmacy Officer, Office of the Surgeon General, Public Health Service has responsibility for distributing information on the effectiveness of drug products to the head of the procuring activity or his designee. The head of the procuring activity or his designee will be advised by telephone of drug products classified as "ineffective" or "possibly effective" prior to publication in the FEDERAL REGISTER, and will be provided a list of such drug products monthly following publication in the FEDERAL REGISTER.

(b) The head of the procuring activity shall establish a procedure for the distribution of information on the effectiveness of drug products and implement such other controls as may be necessary to assure compliance with the policy set forth in § 3-1.352-3.

##### § 3-1.352-5 Procedure.

(a) Prior to taking purchase action on any request for drug products, the contracting officer shall ensure that the items are screened against current lists of products identified by the Chief Pharmacy Officer, and notation that such action has been taken, bearing the initials of the individual actually doing the screening, entered on the request.

(b) In those instances when purchase is requested of an item which is allowable due to either of the two exceptions set forth in § 3-1.352-3(a), appropriate justification, signed by the responsible program official, shall be provided and made a part of the purchase file.

(c) When the demand for a restricted product cannot be resolved by the substitution of a satisfactory item, the request shall be processed in the same manner as a deviation (see § 3-1.108).

[FR Doc.71-14767 Filed 10-7-71;8:48 am]

## Title 47—TELECOMMUNICATION

### Chapter 1—Federal Communications Commission

[FCC 71-1011]

#### PART 0—COMMISSION ORGANIZATION

##### Establishment of an Executive Advisory Council

**Order.** In the matter of amendment of Part 0 of the Commission's rules and regulations to reflect the establishment of an Executive Advisory Council.

1. The rapid advances in communications technology and the changing needs of society demand a more effective and coordinated relationship among the

Commission's staff components and a more productive utilization of agency resources in order to deal with the complexities of the resulting regulatory and policy implications. To meet these needs there has been established the Executive Advisory Council, the purposes of which are:

a. To provide a mechanism for constructive interaction among the principal staff units.

b. To identify and evaluate existing or anticipated Commission problems, issues and concerns and to develop recommended courses of action.

c. To respond to requests from individual bureau or office heads for advice and assistance.

d. To promote a more satisfying work experience for Commission personnel.

2. The Executive Advisory Council is composed of the Chiefs of the Broadcast, Cable Television, Common Carrier, Field Engineering, and Safety and Special Radio Services Bureaus, the General Counsel, the Executive Director and the Chief Engineer.

3. The amendments set forth in the Appendix to this order relate to internal Commission organization and practice so that the prior notice provisions of section 4 of the Administrative Procedure Act, 5 U.S.C. 553, do not apply, and the amendments can be made effective immediately. Authority for the promulgation of those amendments is contained in sections 4(i), 5(d), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 155(b), and 303(r).

Accordingly, it is ordered, Effective October 1, 1971, that the rules and regulations of the Commission are amended as set forth below.

(Secs. 4, 5, 303, 48 Stat., as amended, 1068, 1068, 1082; 47 U.S.C. 154, 155, 303)

Adopted: September 29, 1971.

Released: October 1, 1971.

FEDERAL COMMUNICATIONS  
COMMISSION,<sup>1</sup>

[SEAL] BEN F. WAPLE,  
Secretary.

Part 0 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. A new § 0.6 is added to read as follows:

§ 0.6 Executive Advisory Council.

The Executive Advisory Council provides a forum for the interchange of information and ideas among the Commission's principal staff components. It coordinates Commission programs and activities; analyzes problems and issues of concern to the members of the Council; and develops recommendations for action by the Chairman and the Commission. The Executive Advisory Council is composed of the Chiefs of the Broadcast, Cable Television, Common Carrier, Field Engineering, and Safety and Special Radio Services Bureaus, the

General Counsel, the Executive Director and the Chief Engineer.

[FR Doc.71-14798 Filed 10-7-71;8:50 am]

[Docket No. 18733; FCC 71-999; RM 1424]

CLASS C STATIONS IN CITIZENS RADIO  
SERVICE

Report and Order

In the matter of Amendment of Parts 2, 91, and 95 to permit use of 72-76 MHz band by Class C stations in the Citizens Radio Service for radio control of models. Docket No. 18733, RM-1424.

1. The Commission adopted a notice of proposed rule making in the above entitled matter on November 7, 1969, which was published in the FEDERAL REGISTER on November 15, 1969 (34 F.R. 18313). On June 10, 1970, the Commission adopted a further notice of proposed rule making in this proceeding which was published in the FEDERAL REGISTER on June 18, 1970 (35 F.R. 10030). Comments to the further notice were invited on or before August 21, 1970, and reply comments on or before September 10, 1970.

2. The first notice proposed sharing of the frequencies 72.08 MHz, 72.24 MHz, 72.40 MHz, 72.96 MHz, and 75.64 MHz, which heretofore were available exclusively for model aircraft control, for use by all types of radio controlled models. In response to the objections of model aircraft operators, the further notice proposed use of the frequencies 72.08 MHz, 72.24 MHz, and 75.64 MHz for aircraft models only, the use of the frequencies 72.16 MHz, and 72.32 MHz for non-aircraft models only, and the frequencies 72.40 MHz and 72.96 MHz for shared use by all types of radio controlled models.

3. Over 170 formal and informal comments representing the views of interested organizations and individuals were received in the proceeding. In addition, eight suggested counter proposals were filed and were considered in the matter.

4. Primarily, opposition to the notice came from model aircraft operators and particularly from the Academy of Model Aeronautics (AMA) which claims a membership of 30,000 modelers. The AMA argued that the number of model aircraft operators presently exceeds the number of other type model operators and that with the continuing growth of the hobby, the proposed reduction in the exclusively available frequencies would only aggravate aircraft modelers' problems from increased frequency congestion and harmful interference. In addition, the AMA and numerous other aircraft modelers argued that serious interference to their operation could not only result in extensive damage to their models if a crash occurred, but could be potentially hazardous to operators and to onlooking bystanders. Opposition was also expressed by the International Municipal Signal Association (IMSA) and the International Association of Fire Chiefs (IAFC) which argued that the use of the additional frequencies proposed for modelers could result in pos-

sible harmful interference to emergency call box operations. The IMSA and the IAFC further urged that all model craft operation in the 72-76 MHz band be prohibited.

5. Supporting comments were filed by the International Model Power Boat Association (IMPBA), the Radio Operated Auto Racing Association (ROAR), and associated clubs and individuals. Mr. George Sippos, President of ROAR, comments that the model auto racing hobby is growing very rapidly and that the additional frequencies proposed will alleviate the congestion and interference problems of models operating in the 27 MHz band, as well as provide frequencies for the expanding growth of the hobby. Mr. M. J. Mischnick, Secretary of IMPBA, comments that in the case of model boats, the area of operation of boats and aircraft is usually removed to the extent that mutual interference is not a problem. Other supporting comments pointed out that many individuals operate more than one type of model, and that the availability of shared frequencies would simplify operation and would minimize equipment expenditures for multimodel operation.

6. Of the counter proposals filed, some suggested that five frequencies remain available for model aircraft use only, and that the use of 72.16 MHz and 72.32 MHz be limited to model boats only with model car operation permitted either on present 26-27 MHz Class C frequencies or on other 27 MHz frequencies using less than 100 milliwatts of power. Other comments suggested that three frequencies be reserved for model aircraft operation only, as proposed, but that the remaining frequencies be shared by all types of models. Another counter-proposal suggested the mutual sharing of all 27 MHz and 72-76 MHz frequencies by all models, while still another proposed that all 27 MHz and 72-76 MHz frequencies be reserved for aircraft models only, plus additional frequencies in the 53 MHz band, with nonaircraft type model operation reallocated to new frequencies.

7. The question of interference appears to be the predominant concern in the majority of comments filed. In this regard, the Commission considers the congestion and interference experienced by nonaircraft type models operating in the 26-27 MHz band to be significant and that the addition of available frequencies in the 72-76 MHz range for non-aircraft type model operation is warranted. Inclusion of nonaircraft type models in the 72-76 MHz range should help alleviate the 27 MHz congestion and interference situation for all modelers and provide additional frequencies for improved operation and growth of the respective hobbies. Moreover, expansion should effectively reduce the possibility of damage or destruction to model crafts due to interference related crashes. The Commission also realizes the potential hazard that harmful interference can be to model aircraft operation. In addition to the damage and destruction that can result from a crash, as

<sup>1</sup> Commissioner Bartley and Robert E. Lee absent.

in the case of other type models, interference to a model aircraft's operation can jeopardize the safety of participants and spectators during flying activities. Finally, regarding the comments of the International Municipal Signal Association and the International Association of Fire Chiefs as to the possibility of harmful interference and disruption of service to call box operation from modelers' operation, their comments do not contain any specific showing of data to support their claims. Furthermore, the Commission is unaware of any instances of harmful interference from model craft operation to any of the other Commission services operating on the five shared frequencies presently available in the 72-76 MHz range over the past 5 years and, consequently, the possibility of increased interference to Fire Radio and other shared Services is considered to be minimal.

8. In consideration of the foregoing, the Commission concludes that its proposal to permit the operation of non-aircraft type models in the 72-76 MHz band should be adopted with the following modifications. The frequencies 72.08 MHz, 72.24 MHz, and 75.64 MHz, as proposed, shall be made available for the radio remote control of aircraft models only, plus the frequency 72.40 MHz which initially was proposed for shared use by all types of models shall continue to be reserved exclusively for the control of model aircraft. The exclusive use of four frequencies rather than the three proposed will provide aircraft modelers an additional frequency free of interference from other modelers. The proposal to reserve the frequencies 72.16 MHz and 72.32 MHz for use by nonaircraft models only, is modified to permit their shared use along with 72.96 MHz by all types of model craft, since no fundamental need for exclusive frequency reservations for nonaircraft models appears necessary. The shared use of these frequencies will also simplify utilization of the frequencies as well as alleviate some of the frequency congestion and interference experienced by nonaircraft modelers operating in the 27 MHz band. Furthermore, shared use will permit operators of more than one type of model craft to utilize the same equipment for all models and thereby minimize their equipment costs. The frequency 72.96 MHz rather than 72.40 MHz was chosen for shared use since, according to the AMA, the latter is one of the most popular frequencies used by aircraft modelers and its shared use would increase the interference potential to modelers interested in model aircraft operation only. The counter-proposal to limit the operation of model cars to available 27 MHz frequencies and to 100 milliwatts is considered to be unduly restrictive and is denied. The counter-proposals to permit only aircraft model operation in the 27 MHz band and between 72-76 MHz and to expand model craft operation to the other bands is denied since it is beyond the scope of

this proceeding. The proposal to prohibit all model craft operation in the 72-76 MHz band is also denied.

9. In view of the foregoing, the Commission finds that the Amendments to Parts 2, 91, and 95 of the Commission's rules as set forth in the Appendix below are in the public interest, convenience and necessity. The authority for such amendments is contained in sections 4(i) and 303 of the Communications Act, as amended.

10. *Accordingly, it is ordered*, That effective November 15, 1971, Parts 2, 91, and 95 of the Commission's rules are amended as set forth below.

11. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Adopted: September 29, 1971.

Released: October 5, 1971.

FEDERAL COMMUNICATIONS  
COMMISSION,<sup>1</sup>

[SEAL] BEN F. WAPLE,  
Secretary.

## PART 2—FREQUENCY ALLOCATION AND RADIO TREATY MATTERS: GENERAL RULES AND REGULATIONS

I. Part 2 of the Commission's rules is amended as follows:

### § 2.106 [Amended]

In § 2.106, footnote NG56 is amended to read as follows:

NG56 The frequencies 72.08, 72.16, 72.24, 72.32, 72.40, 72.96, and 75.64 MHz may be authorized for low powered (1-watt input) mobile operations in the Citizens Radio Service for radio control of models subject to the condition that interference will not be caused to remote control of industrial equipment operating on the same or adjacent frequencies and to the reception of television stations operating on Channels 4 or 5. TV interference shall be considered to occur whenever reception of regularly used television signals is impaired or destroyed, regardless of the strength of the television signals or the distance to the television station.

## PART 91—INDUSTRIAL RADIO SERVICES

II. Part 91 of the Commission's rules is amended as follows:

The table in § 91.730(a) of the Commission's rules is amended to include "13" in the list of limitations after the frequencies 72.16 and 72.32 MHz and paragraph (b)(13) is amended to read as follows:

### § 91.730 Frequencies available.

(b) \* \* \*

(13) This frequency is shared with Class C stations in the Citizens Radio

<sup>1</sup> Commissioner Bartley absent; Commissioners Johnson and H. Rex Lee concurring.

Service which are used solely for the radio control of models.

## PART 95—CITIZENS RADIO SERVICE

III. Part 95 of the Commission's rules is amended as follows:

1. In § 95.3(b), the definition of Class C station is amended to read as follows:

### § 95.3 Definitions.

(b) \* \* \*

*Class C station.* A station in the Citizens Radio Service licensed to be operated on an authorized frequency in the 26.96-27.23 MHz band, or on the frequency 27.255 MHz for the control of remote objects or devices by radio, or for the remote actuation of devices which are used solely as a means of attracting attention, or on an authorized frequency in the 72-76 MHz band for the radio control of models used for hobby purposes only.

2. Section 95.41(c)(2) is amended to read as follows:

### § 95.41 Frequencies available.

(c) \* \* \*

(2) Subject to the conditions that interference will not be caused to the remote control of industrial equipment operating on the same or adjacent frequencies and to the reception of television transmissions on Channels 4 or 5; and that no protection will be afforded from interference due to the operation of fixed and mobile stations in other services assigned to the same or adjacent frequencies in the band, the following frequencies are available solely for the radio remote control of models used for hobby purposes:

(i) For the radio remote control of any model used for hobby purposes:

MHz	MHz	MHz
72.16	72.32	72.96

(ii) For the radio remote control of aircraft models only:

MHz	MHz	MHz
72.08	72.24	72.40
75.64		

[FR Doc.71-14797 Filed 10-7-71; 8:50 am]

[Docket No. 18861; FCC 71-1015]

## TELEVISION BROADCAST TRANSLATOR STATIONS

### Report and Order

In the matter of amendment of Part 74, Subpart G, rules and regulations (Television Broadcast Translator Stations) to permit translator operation on Channels 14-69, in lieu of Channels 70-83. Docket No. 18861.

1. The Commission has before it for consideration its notice of proposed rule making (FCC 70-520, released May 21, 1970), proposing to amend Part 74 of

the Commission's rules to allow television broadcast translator stations to operate on Channels 14 through 69 (470-806 MHz) in lieu of Channels 70 through 83 (806-890 MHz), and to provide for authorization of UHF television translator stations of 1,000 watts peak visual transmitter output power on channels which are listed in the Television Table of Assignments (§ 73.606 of the Commission's rules),<sup>1</sup> but are unused by operating regular television stations. Of the parties who filed comments in this proceeding, seven addressed themselves to the question of authorizing 1,000-watt UHF translators on a regular basis; all supported the proposal, although questions were raised concerning various procedural aspects. The list of parties responding to our notice of proposed rule making is attached as set forth in the appendix I below.

2. Several factors have persuaded us that there is a need for authorization of 1,000-watt UHF translators on a regular basis. First, the allocation of the 806-890 MHz band (Channels 70-83) to land mobile radio use, deprives UHF translator licensees of a frequency band which had been reserved for translator use. It is no longer feasible nor possible to set aside a band of frequencies exclusively for translator use. It is apparent, therefore, with the number of channels available for translator use greatly reduced, 1,000-watt translators may provide at least part of the answer to the need for service to a greater number of persons. Obviously, 1,000-watt translators will alleviate the need for multiple translators, carrying the same programming, to cover contiguous areas. Our experience with those 1,000-watt translators which have been authorized on a waiver basis clearly indicates the feasibility of such stations. We conclude, therefore, that one kilowatt translators will result in conservation of frequencies. Second, the elimination of the need for multiple translators and the ability of 1-kilowatt translators to provide wide area service will result in a substantial saving of money by licensees. At the same time, a single station is more likely to provide dependable service than a series of lesser power stations operating in tandem, where service can be interrupted by malfunction of any one or more of the smaller stations from time to time. Finally, we think that 1-kilowatt translators would represent more effective use of assigned and unused channels, providing service to an entire community and parts of the surrounding area. It may also be that they may constitute a greater inducement toward evolution into regular television stations than our experience indicates has been the case with 100-watt translators on assigned channels.

3. Several of the comments raised the question of the necessity for limiting one-kilowatt translators to assigned channels. American Broadcasting Cos., Inc. (ABC), for example, believes that, with limited

assignments available in any given community, there could be severe adverse impact on network competition in that community. ABC fears that if one network-affiliated television station is able to obtain a 1-kilowatt translator in a community to which only one UHF channel is allocated and unused, competition between network-affiliated stations might be stifled by the inability of the competing stations to obtain similar facilities. The same situation obtains, however, with respect to regular television stations. Moreover, if there were demand for more than one 1,000-watt translator in a community and if an additional UHF channel could be assigned, it would be done. In any event, 100-watt UHF translators would still be available in most instances to provide competing network service to such a community.

4. The maximum effective radiated power obtainable from translators of 1,000 watts can far exceed the minimum permissible effective radiated power of 100 watts permitted for regular television stations and we think that the potential for interference is, therefore, so great that it is necessary to impose safeguards to protect other radio services. We are limiting such translators to assigned channels because such channels already meet the spacing requirements of the Commission's rules and high-power translators operating on such channels will not be likely to cause objectionable interference. Kilowatt translators will, of course, be permitted to operate unattended where the applicant complies with the requirements of the rules for unattended operation.

5. We are providing that 1,000-watt translators will have preference on listed channels over 100-watt translators. Thus, if an applicant requests a 100-watt translator to operate on a listed UHF channel, inherent in the grant will be the condition that it must terminate operation upon commencement of operation of a 1,000-watt translator on that channel. Applicants seeking 100-watt translators on listed channels should be aware of this risk. We are also providing that translators, UHF or VHF, operating on channels which are not listed in the Television Table of Assignments, shall, in all cases, protect translators operating on listed channels from interference, but a translator operating on a listed channel need not protect translators operating on unlisted channels against interference. In other words, translators operating on channels not listed in the Television Table of Assignments will be secondary to those operating on listed channels.

6. Translators presently authorized, pursuant to waivers of our rules, to operate with peak visual transmitter output power of 1,000 watts will not be required to change frequency to specify operation on a listed channel. They will not, however, be entitled to protection against interference by a translator operating on a listed channel; on the contrary however, existing 1,000-watt translators not on assigned channels will be required to protect translators operating on assigned

channels against interference. The reason for this provision is that the frequency represented by a table-assigned channel is considered reserved in that area and, as with a regular television station operating on such a channel, translators so operating are entitled to protection. Under the present rules, the so-called "15-mile rule" (§ 74.607(b)) is specifically made inapplicable to 100-watt translators operating on assigned channels. We are not disturbing that provision, but we are making the "15-mile rule" applicable to 1,000-watt translators. Therefore, 100-watt translators operating on table assignments must be so located in order to provide maximum service to the city to which the channel is assigned, but 1,000-watt translators may specify, and serve, any city within 15 miles of the city to which the channel is listed in the table of assignments. ABC has suggested that § 73.607(b) of the rules be changed to specify 25 miles instead of the present 15, but that change is not within the purview of this proceeding.<sup>2</sup> Moreover, we do not see any useful purpose to be served by permitting 1,000-watt translators to designate a community 25 miles from the city to which the channel is assigned. Such a provision, with respect to 1-kilowatt translators, may defeat our purpose in restricting such stations to assigned channels.

7. We proposed, in the notice of proposed rule making in this proceeding, to allow 1-kilowatt translators to operate on so-called "idle UHF" channels, i.e., channels where there are outstanding construction permits for stations which have either not been built or which have been built and have suspended operation. Several of the comments filed in this proceeding have indicated concern about the procedures which will be followed in such situations. We have considered these comments and are persuaded that the procedures discussed may be too complex and cumbersome. Subsequent to the release of our notice, we amended section 1.598 of the rules to extend to 18 months the time within which a television station must be constructed ("Report and Order" in Docket No. 18763, 23 FCC 2d 274, 19 RR 2d 1578, released June 5, 1970). We there stated that only the closest adherence to section 319 of the Communications Act would be countenanced. The situation is, therefore, substantially different now than it was when

<sup>1</sup>Philco suggested that a timetable be established for requiring manufacturers to limit television receivers to VHF channels and UHF channels from 14 through 69; Spanish International Broadcasting Co. submitted a comment suggesting unattended operation of "satellite" stations instead of translators; Mr. Robert Clegg suggested that changes in transmitting equipment occasioned by any required changes in output channels of translators be paid for by some government agency; other comments by National Association of Educational Broadcasters, the Association of Maximum Service Telecasters, and others have been considered, but none of these, except those specifically discussed, are within the purview of this proceeding.

<sup>2</sup>The terms "listed" and "assigned" are used interchangeably in this document to designate those channels which are listed in the Television Table of Assignments.



we issued our invitation for comments on the proposal now before us. Under these changed circumstances, we think a different approach is warranted.

8. We believe that an application for a 1-kilowatt translator on an assigned channel should be accepted for filing and acted upon irrespective of whether there is an outstanding construction permit for a regular television station or not. The applicant for such a translator, however, must be aware of the risk inherent in such an application. Where there is an outstanding construction permit or license, we would expect a prospective applicant for a 1,000-watt translator to make his own independent investigation of the status of construction and the prospects for activation within a reasonable time. Such a prospective applicant would, of course, be entitled to rely upon the representations made to the Commission by the permittee or licensee of the "idle" UHF station. It has been suggested that translators or "idle" UHF channels be licensed for a specific period of time rather than until the "idle U" requests program test authority. The basis for this suggestion is that applicants will be reluctant to apply for 1-kilowatt translators or "idle" channels if they are to discontinue operation at the whim of the "idle U" permittee. This view, however, loses sight of the fact that we seek to encourage activation of the "idle U" and such a provision would defeat that purpose. The permittee or licensee of the "idle U" will be entitled to specific notice by the translator applicant of the filing of the translator application, to be served on the permittee or licensee of the "idle U" at the time the translator application is filed. This will be in addition to the statutory public notice by the Commission of the acceptance of the application for filing and the local public notice published by the applicant.

9. The filing, and subsequent grant, of an application for a 1,000-watt translator on an occupied channel will not affect the status of the outstanding construction permit. The permittee or licensee of the television station will, however, be required to give written notice to the operator of the translator station. Such notice, a copy of which is to be furnished to the Commission, must be served on the translator operator not less than 10 days before operation is to be commenced or resumed. The translator may continue to operate until the television station commences operation.

10. Under present Commission policy, no application for a translator station to carry commercial programming will be accepted for filing if it specifies operation on a channel which is reserved for noncommercial educational use. "Report and Order" in Docket No. 15858 (1 FCC 2d 15, 5 RR 2d 1702). Our experience with this policy suggests that the public interest would be better served by modification to allow, under certain conditions, translators carrying commercial programs to operate on reserved and unused channels. We will permit such operations subject to the condition that a translator rebroadcasting the signals of a commercial

television station, operating on a channel which is reserved for noncommercial educational use, will be secondary to any noncommercial educational station proposed to operate on that channel. Authorization of a commercial translator<sup>3</sup> on a reserved channel will not preclude acceptance and grant of an application for a translator to carry noncommercial educational programming on that channel, whether such an application is by a noncommercial educational entity or by anyone else who proposes to rebroadcast noncommercial educational programming. This condition applies to 1,000-watt commercial translators, even if the proposed educational translator would be only 100 watts. Naturally, any translator on an assigned channel, whether commercial or educational, must terminate operation when a regular television station commences operation on that channel. In this way, we are able to allow use of unused frequencies while preserving the reserved channels for the educational use for which they are intended. Any commercial applicant is subject to this condition and the filing of an educational application will not, therefore, create a condition of mutual exclusivity which requires a hearing.

11. The reallocation of the frequencies from 806 through 890 MHz (Channels 70-83) for land mobile radio use has required a search for other frequencies for UHF translator use. Our study of this problem has disclosed, as expected, that the lower frequency ranges generally severely limit the number of channels which would be available for translator use. Because UHF channels in the Television Table of Assignments are, for the most part, concentrated below Channel 55, the spacing requirements would leave relatively few frequencies available for translator use. On the basis of this study, we have concluded that translators can most effectively be accommodated in the frequency band from 716-806 MHz (Channels 55 through 69). Below that range, translator applicants are likely to encounter great difficulty in finding suitable frequencies. This range will not be reserved exclusively for translator use, as was the upper 14-channel band, because there are channels in that range which have been assigned for regular television stations. In certain areas of the country, it may be necessary to allow translators to use channels below 55. We are providing, therefore, that Channels 55-69 (15 channels as distinguished from the 14 channels previously available for translator use) will be the primary translator band. In order to qualify for a grant on an unassigned channel below Channel 55, an applicant will be required to make a convincing showing that there is no channel from 55 through 69 which it can use consistent with the mileage separation requirements and without causing objectionable interference. An application for a channel below 55 must indicate

<sup>3</sup> For the purposes of this discussion, "commercial" means any translator rebroadcasting the programs of a commercial television station, irrespective of the identity or status of the translator permittee or licensee.

that the applicant has selected the highest available channel consistent with the separation requirements. Consistent with § 73.603(c) of the present television rules, precluding operation of television stations on Channel 37 until January 1, 1974, we will similarly preclude operation of translator stations on that channel.

12. In our notice of proposed rule making in this docket, we stated that:

As of the effective date of the decision in this proceeding, however, no applications for new translators on Channels 70-83 will be accepted. Translators operating on those channels and holding a valid license as of that date will be afforded protection from the land mobile service for the balance of their license term—after which renewals will be granted only on a secondary basis.

The rules changes which we are adopting in this proceeding reflect that provision. The provision is equally applicable to applications to modify existing translator stations where a change in channel is proposed. That is, any licensee or permittee of an existing translator on an unassigned channel who proposes a change in frequency must, as of the effective date of this order, specify a channel from 55 through 69. We emphasize, however, that, in remote areas of the country, it may be possible for translators to operate on Channels 70-83 for many years. We do not intend to require licensees of translators on those channels to change frequency, but they should be aware of the secondary nature of their authorizations and the possibility of changes to lower channels becoming necessary. Applications for new translator stations or for changes of channel by existing translator stations, specifying operation on Channels 70-83, which are already on file and pending as of the effective date of this order, will be granted. Such applicants, however, will be expected to evaluate the chances of being required to change frequency before construction is actually commenced. In cases, most likely to occur in the eastern part of the country and in heavily populated segments of the west, where an applicant is unable to find a channel from 55-69 or requests an unassigned channel below 55, the showing offered in support of the request will be very carefully examined for sufficiency. We believe that such a policy is required in order to protect our allocations scheme with respect to the land mobile radio services.

13. In our efforts to find sufficient channels for translator use, we have undertaken a study of the existing mileage separation requirements ("taboos") and we believe that it may be possible to relax these standards to some extent without derogating the quality of television service. This study, however, is not complete, but we do not think that the rule changes proposed in this docket should be delayed pending completion of the study. We intend, therefore, to issue a subsequent notice of proposed rule making, requesting comments on a proposal to reduce mileage separation requirements for translators. Nevertheless, in this proceeding, we have eliminated the mileage separation requirements between a translator

and a city to which a television channel is assigned but upon which there is no television station authorized. No useful purpose has been served by this restriction because the rules already provide adequate protection to any television station which might subsequently be built on such a channel. Should interference occur, it will be the responsibility of the translator licensee to eliminate the interference and, if this cannot be done, to terminate operations. Every application for a new UHF translator or a change in channel which would be short spaced to an assigned channel, however, will be granted subject to the condition that no interference will be caused by the translator to any television station subsequently constructed and operated on the channel. In this way, from the outset, the applicant will be aware of the risks of such a proposal. We think that this procedure will increase the number of channels available for translator use, particularly in areas where there has been no interest in applying for television stations on assigned UHF channels, and should reduce the number of waiver requests which must be processed.

14. We are also amending § 1.572(a) (1) of the rules to provide that any application for modification of the facilities of an existing UHF translator which would increase the peak visual transmitter output power to more than 100 watts will be a major change.

15. We find that it is in the public interest to amend Parts 1 and 74 of the Commission's rules on the basis of the foregoing. *Accordingly, it is ordered,* That, pursuant to authority contained in section 4(i) and section 303 (a) through (g) and (r) of the Communications Act of 1934, as amended the rule amendments as set forth below, are adopted, effective November 15, 1971.

16. *It is further ordered,* That this proceeding is terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Adopted: September 29, 1971.

Released: October 5, 1971.

FEDERAL COMMUNICATIONS  
COMMISSION,\*

[SEAL] BEN F. WAPLE,  
Secretary.

PARTIES FILING COMMENTS IN THIS  
PROCEEDING

Land Mobile Communications Council.  
National Association of Manufacturers.  
Triangle Telecasters, Inc.  
National Broadcasting Co., Inc.  
Continental Urban Television Corp.  
National Association of Educational Broad-  
casters.  
American Broadcasting Cos., Inc.  
Spanish International Broadcasting Corp.  
Association of Maximum Service Telecasters,  
Inc.  
Philco-Ford Corp.  
Robert Clegg.

Parts 1, 73, and 74 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

\* Commissioners Bartley and Robert E. Lee absent.

## PART 1—PRACTICE AND PROCEDURE

1. In § 1.516, paragraph (c) is amended to read as follows:

§ 1.516 Specification of facilities.

(c) An application for a construction permit for a new broadcast station, the facilities for which are specified in an outstanding construction permit or license, will not be accepted for filing; *Provided, however,* That an application for a 1,000-watt television translator station to operate on a UHF channel listed in the television Table of Assignments (§ 73.606 of this chapter) on which a television station is authorized but not operating, will be accepted for filing and may be granted. An applicant for such a translator station shall notify the permittee or licensee of such UHF television station, in writing, of the filing of the application at the time the application is filed and shall certify to the Commission that such notice has been given.

2. In § 1.572(a), subparagraph (1) is amended to read as follows:

§ 1.572 Processing of television broadcast applications.

(a) Applications for television broadcast stations are divided into two groups.

(1) In the first group are applications for new stations or major changes in the facilities of authorized stations. A major change is, in the case of stations authorized under Part 73 of this chapter, any change in frequency or station location, or any change in power or antenna location or height above average terrain (or combination thereof) which would result in a change of 50 percent or more of the area within the Grade B contour of the station; in the case of television translator stations authorized under Part 74 of this chapter, it is any change in: (i) Frequency (output channel); (ii) primary station; (iii) principal community or area to be served; or (iv) peak visual transmitter output power to more than 100 watts; *Provided, however,* That the Commission may, within 15 days after the acceptance of filing of any other application for modification of facilities, advise the applicant that such application is considered to be one for a major change and therefore subject to the provisions of §§ 1.580 and 1.1111 pertaining to major changes.

## PART 73—RADIO BROADCAST SERVICES

1. In § 73.629, paragraph (f) is added to read as follows:

§ 73.629 Program tests.

(f) Where a 1,000-watt UHF television translator station has been authorized, pursuant to § 1.516(c) of this chapter, to operate on a channel to which a television station is authorized but not operating and the permittee or licensee of such nonoperating television station

intends to commence or resume operation, the licensee or permittee of the television station shall notify the licensee or permittee of the translator station, in writing, not less than 10 days prior to the commencement or resumption of operation, of its intention and shall certify to the Commission that such notice has been given.

## PART 74—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST, AND OTHER PROGRAM DISTRIBUTIONAL SERVICES

1. Section 74.702 is revised to read as follows:

§ 74.702 Frequency assignment.

(a) An applicant for a new television broadcast translator station or for changes in the facilities of an authorized station shall endeavor to select a channel on which its operation is not likely to cause interference to the reception of other stations. The application must be specific with regard to the frequency requested. Only one channel will be assigned to each station.

(b) (1) Any one of the 12 standard VHF channels (2-13 inclusive) may be assigned to a VHF translator on condition that no interference is caused to the direct reception by the public of the signals of any television broadcast station operating on the same or any adjacent channel. Channels 5 and 6 are allocated for nonbroadcast use in Alaska and Hawaii and will not be assigned to a VHF translator in those States.

(2) A VHF translator will also be authorized on any VHF assignment in the television Table of Assignments (§ 73.606(b) of this chapter) provided it has not been assigned to a television broadcast station and provided a transmitter power of 100 watts peak visual power is used in the listed city. Section 73.607(b) of this chapter will not be applicable to such assignments.

(c) (1) Any one of the 15 UHF channels from 55-69, inclusive, may be assigned to a UHF translator of up to and including 100 watts peak visual transmitter output power.

(2) The transmitter site of a UHF translator operating on a channel not listed in the television Table of Assignments (§ 73.606(b) of this chapter) shall not be located:

(i) Within 155 miles of a television broadcast station operating on an assigned channel which is the same as the requested channel;

(ii) Within 55 miles of a television broadcast station operating on an assigned channel which is adjacent to the requested channel;

(iii) Within 20 miles of a television broadcast station operating on an assigned channel which is the second, third, fourth, fifth, or eighth channel above or below the requested channel;

(iv) Within 60 miles of a television broadcast station operating on an assigned channel which is the seventh or 14th channel above or below the requested channel;

(v) Within 75 miles of a television broadcast station operating on an assigned channel which is the 15th channel above or below the requested channel.

(3) The distance specified in this paragraph shall be determined between the proposed site of the translator and the transmitter site of the television broadcast station. Changes in the television Table of Assignments (§ 73.606(b) of this chapter) may be made without regard to existing or proposed television broadcast translator stations and, where such changes result in minimum separations less than those specified above, the licensee of an affected UHF television broadcast translator station shall file an application for a change in channel assignment to comply with the required separations. In the case of changes in the television Table of Assignments affecting VHF channels, existing VHF television broadcast translator stations causing interference to reception of VHF broadcast channels shall eliminate the interference or file an application for a change in channel assignment.

(d) Any one of the UHF channels from 14 through 54 (except channel 37) may also be assigned to a UHF translator station meeting the minimum spacing requirements of paragraph (c), of this section, provided that an adequate showing is made that it is not possible to assign a UHF translator station on a channel from 55 through 69 in the area to be served and meet the requirements of paragraph (c) of this section, and that the highest available channel in the 14-54 range has been selected.

(e) No minimum distance separation between TV translators operating on the same channel is specified. However, assignments which will obviously result in mutual interference between translators will not be made.

(f) No minimum distance separation between television translator stations operating on the same channel is specified. Assignments which will obviously result in mutual interference between translators will not be made.

(g) A UHF translator will be authorized on any UHF channel which is listed in the television Table of Assignments (§ 73.606(b) of this chapter) and has not been assigned to a television broadcast station: *Provided, however*, That a UHF translator using transmitter power of 1,000 watts may be authorized on a channel which has been assigned to a television broadcast station if the television broadcast station is not in operation. Section 73.607(b) of this chapter will not be applicable to 100-watt translators operating on assigned channels.

(h) In accordance with § 73.603(c) of this chapter, channel 37 will not be assigned to UHF translator stations.

(i) Effective November 15, 1971, no applications for new television translator stations or for changes in channel of existing television translator stations, specifying operation on output channels

from 70 through 83, will be accepted for filing. Translator stations operating on those channels and holding valid licenses as of the above date will be afforded protection for the balance of their license terms. License renewals will be granted only on a secondary basis to land mobile radio operations.

(j) Any party who files an application for a 1,000-watt UHF translator to operate on a channel to which a regular television station is assigned but not operating, shall notify the licensee or permittee of the television station, in writing, of the filing of the application and shall certify to the Commission that such notice has been given.

2. In § 74.703, paragraph (a) is amended to read as follows:

#### § 74.703 Interference.

(a) An application for a new television broadcast translator station or for changes in the facilities of an authorized station will not be granted where it is apparent that interference will be caused. The licensee of a new UHF translator operating on a channel not listed in the television Table of Assignments (§ 73.606(b) of this chapter) shall protect existing UHF translators from interference resulting from its operation. If interference develops between VHF translators, the problem shall be resolved by mutual agreement among the licensees involved. VHF and UHF translator stations operating on channels not listed in the television table of assignments shall not be entitled to protection from interference by translators operating on channels listed in the television table of assignments, but shall, in all cases, protect translators operating on listed channels from interference.

3. Section 74.732 paragraph (i) is amended to read as follows:

#### § 74.732 Eligibility and licensing requirements.

(i) VHF translators proposed to be operated with power of 100 watts and UHF translators proposed to be operated with power of 1,000 watts will normally be authorized only to licensees of regular television broadcast stations. Other parties may be authorized to operate such stations upon a satisfactory showing that they have available personnel of sufficient technical knowledge to insure that no interference will occur to other radio services and that satisfactory technical performance will be maintained.

4. Section 74.735 (d) is amended and (e) is added to read as follows:

#### § 74.735 Power limitation.

(d) VHF translators authorized on channels listed in the television Table of Assignments (§ 73.606(b) of this chapter) will be authorized power output of the final radio frequency amplifier of 100 watts peak visual power only. VHF trans-

lators authorized before August 16, 1965, on such allocated channels need not operate with as much as 100 watts peak visual power, but if they operate with less, their operation will be subject to termination upon grant of an application for the channel proposing power of 100 watts.

(e) UHF translators authorized on channels listed in the television Table of Assignments (§ 73.606(b) of this chapter) will be authorized with a peak visual power output of the final radio frequency amplifier of either 100 watts or 1,000 watts only. UHF translators authorized before November 15, 1971, on such channels need not operate with as much as 1,000 watts peak visual power, but if they operate with less, their operation will be subject to termination upon grant of an application for the channel proposing power of 1,000 watts.

5. Section 74.736(c) is amended by adding subparagraph (iii).

#### § 74.736 Emissions and bandwidth.

(c) \* \* \*

(iii) 60 decibels for transmitters rated at more than 100 watts power output.

6. Section 74.750(c)(2)(iii) is added and paragraph (c)(3) is amended to read as follows:

#### § 74.750 Equipment and installation.

(c) \* \* \*

(2) \* \* \*

(iii) 60 decibels for transmitters rated at more than 100 watts power output.

(3) When subjected to variations in ambient temperature between minus 30 degrees and plus 50 degrees Centigrade and variations in power main voltage between 85 percent and 115 percent of rated power supply voltage, the local oscillator frequency stability shall maintain the operating frequency within:

(i) 0.02 percent of its rated frequency for transmitters rated at no more than 100 watts peak visual power.

(ii) 0.002 percent of the rated frequency for transmitters rated at more than 100 watts peak visual power.

7. Section 74.761 is revised to read as follows:

#### § 74.761 Frequency tolerance.

The licensee of a television broadcast translator station shall maintain the output frequencies within:

(a) 0.02 percent of the assigned visual carrier frequency and aural carrier center frequency for transmitters rated at not more than 100 watts peak visual power.

(b) 0.002 percent of the assigned visual carrier frequency, and aural carrier center frequency for transmitters rated at more than 100 watts peak visual power.

[FR Doc.71-14800 Filed 10-7-71;8:51 am]



# Title 49—TRANSPORTATION

## Subtitle A—Office of the Secretary of Transportation

[OST Docket No. 1; Amdt. 1-51]

### PART 1—ORGANIZATION AND DELEGATION OF POWERS AND DUTIES

#### Delegation of Authority With Respect to Boating Safety and Bridge-to-Bridge Radiotelephones

The purpose of this amendment is to delegate to the Commandant of the Coast Guard authority vested in the Secretary by two recently enacted statutes, the Federal Boat Safety Act of 1971 and the Vessel Bridge-to-Bridge Radiotelephone Act.

Since this amendment relates to Departmental management, procedures, and practices, notice and public procedure thereon is unnecessary and it may be made effective in less than 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, § 1.46 of Part 1 of Title 49, Code of Federal Regulations, is amended effective October 5, 1971, by adding new paragraph (c) to read as follows:

§ 1.46 Delegations to Commandant of the Coast Guard.

(c) Carry out the responsibilities and exercise the authority vested in the Secretary by the following statutes:

(1) Federal Boat Safety Act of 1971 (85 Stat. 213).

(2) Vessel Bridge-to-Bridge Radiotelephone Act (85 Stat. 164).

(Secs. 3(e), 9(e), Department of Transportation Act, 49 U.S.C. 1652(e), 1657(e))

Issued in Washington, D.C., on October 5, 1971.

JOHN A. VOLPE,  
Secretary of Transportation.

[FR Doc.71-14791 Filed 10-7-71;8:50 am]

### Chapter V—National Highway Traffic Safety Administration, Department of Transportation

#### PART 567—CERTIFICATION

#### PART 568—VEHICLES MANUFACTURED IN TWO OR MORE STAGES

##### MISCELLANEOUS AMENDMENTS

Part 567 of Title 49, Code of Federal Regulations, certification requirements for motor vehicles, as amended, and Part 568, establishing requirements for vehicles manufactured in two or more stages, were published on April 14, 1971 (36 F.R. 7054 et seq.). Thereafter, pursuant to 49 CFR 553.35 (35 F.R. 5119), petitions for reconsideration were filed by American Motors Corp., Chrysler Corp., Ford Motor Co., General Motors Corp., and International Harvester Co. On June 22, 1971, a notice proposing the addition of a vehicle identification number to the certification label required for ve-

hicles manufactured in two or more stages was published in the FEDERAL REGISTER (Docket No. 71-14; Notice 1, 36 F.R. 11868).

This notice of reconsideration and amendment represents the action taken by this agency in response to the petitions and the notice of June 22.

1. *Effective date.* Ford and International Harvester petitioned that the effective date of Part 568 be delayed at least until July 1, 1972, to permit a more orderly development and implementation of systems and procedures pertaining to the documentation requirements of the regulation. Neither petitioner has argued that it is impossible or impracticable for it to comply with Part 568 by January 1, 1972, nor has any other petition been received on this subject. Timely implementation of these regulations is important, because of the need to have the required information in the hands of final-stage manufacturers in advance of the effective date of standards applicable to these types of vehicles. The Administrator therefore has denied the petitions for extension of the effective date.

1. *GVWR; GAWR.* International Harvester stated that if an incomplete vehicle manufacturer installs tires supplied by the customer or ships the vehicle with temporary tires that will be replaced by the customer, the manufacturer should be permitted to base his GVWR and GAWR ratings on the capacity of the vehicle's structure and to disregard the capacity of customer-installed tires. The company therefore requested an interpretation, or revision, of the regulation to exclude tire ratings in the computation of GAWR and GVWR, so long as the exclusion is indicated on the certification label or the document furnished to the final-stage manufacturer.

The NHTSA cannot accept the position that the weight ratings should not be related to the tires on the vehicle. To the contrary, the newly proposed motor vehicle safety standard on Tire and Rim Selection and Rim Performance for vehicles other than passenger cars (36 F.R. 14273, August 3, 1971) would require each completed vehicle to have tires whose load ratings reflect the gross axle weight ratings of the vehicle. If an incomplete vehicle manufacturer installs tires that are intended to be used on the vehicle as completed (whether or not they are "supplied by the customer"), the weight ratings of the vehicle should reflect the capacities of those tires. On the other hand, it is entirely permissible for an incomplete vehicle manufacturer to install "temporary" tires for shipment purposes only, if he provides full information on the subject in the document required to be furnished with the incomplete vehicle under Part 568.

Counsel for the Trailer Manufacturers Association have pointed out that some trailer manufacturers provide different sizes of tires as a customer option, and have requested permission to state different weight rating values on the label for each tire size that is offered. This request may have merit, since it may not be practicable in some cases for a manu-

facturer to anticipate which tires will be used on a particular vehicle, or to rely on dealers to affix permanent labels that reflect the tires ultimately selected. A notice of proposed rulemaking that would allow manufacturers to provide several values for GVWR and GAWR, along with tire sizes for each, is published in this issue of the FEDERAL REGISTER.

American Motors petitioned for withdrawal of GVWR and GAWR from passenger car certification labels on the grounds that the terms are ambiguous and misleading. Ford also petitioned for a change in the GAWR-GVWR usage, stating that the present placard required on passenger cars by Standard No. 110 makes GAWR and GVWR unnecessary for passenger cars and that a similar reference to vehicle capacity weight should be substituted for GAWR and GVWR in the documents and labels required on multipurpose passenger vehicles, trucks, and buses. American interprets GVWR to be the equivalent of maximum loaded vehicle weight, as well as the equivalent of the sum of unloaded vehicle weight and vehicle capacity weight.

The definitions of gross vehicle weight rating and gross axle weight rating have been developed in order to provide useful and reasonably flexible methods for manufacturers to rate the overall capacities of their vehicles and axle systems respectively, on the basis of which the vehicles will be tested for conformity to various standards. The existing concept of "maximum loaded vehicle weight" has been found deficient for some purposes, because it relies on a complex definition of "curb weight" (found in Standard No. 110, 49 CFR 571.21) that combines both arbitrary and specific elements. It is this agency's intent to allow manufacturers, in stating GVWR and GAWR, to select values that represent the overall performance capabilities of their vehicles as delivered, without necessarily varying the values to allow for minor weight variations in a particular line of vehicles. To preclude the possibility of understating a vehicle's GVWR, however, the certification regulation is herewith amended to provide that the stated GVWR shall not be less than the sum of unloaded vehicle weight, rated cargo load, and 150 pounds times the vehicle's designated seating capacity.

3. *Certification responsibility of the incomplete vehicle manufacturer.* General Motors has petitioned for a revision of Part 568 that would "distinguish between final-stage manufacturers who merely add a van or a work unit to the rear of a chassis-cab, and those manufacturers who perform material alterations to the incomplete vehicle in the process of manufacturing a completed vehicle." In the former case, under the GM scheme, the incomplete vehicle manufacturer would certify that the vehicles complied with all Federal standards except those (such as No. 108) where final compliance depends upon the work performed by the add-on type manufacturers. The latter would then

certify that he had made no alterations to the incomplete vehicle other than \_\_\_\_\_ (describing the work performed), and that the vehicle complied with \_\_\_\_\_ (standards not certified by the incomplete vehicle manufacturer). GM believes that the incomplete vehicle manufacturer could be required by regulation to provide specific items of information about its product (e.g., maximum height of center of gravity, regarding Standard No. 105) to enable the final-stage manufacturer to add a van or work unit without causing a non-conformity. In the second case, under the GM scheme, the material-alteration type manufacturer would certify the entire vehicle, and could obtain from the incomplete vehicle manufacturer all data needed for certification.

There is considerable similarity between the GM scheme and Part 568. The manufacturer of a vehicle complete except for the addition of a van or work unit, under Part 568, provides a statement (§ 568.4(a)(7)(i)) that the vehicle when completed will conform to specified standards if no alterations are made in identified components of the incomplete vehicle. He also provides an appropriate statement according to § 568.4(a)(7)(ii) or (iii), as to the remaining standards. On the basis of such statements, and the work he performs, the final stage manufacturer certifies the complete vehicle.

The primary difficulty with the GM scheme is that it is not adequate for such standards as No. 121, *Air Brake Systems*, where end conformance depends upon work performed by both the incomplete vehicle and final-stage manufacturers. GM would not, in that instance, certify conformance as to Standard No. 121, nor would it provide information sufficient for the final-stage manufacturer to produce a conforming vehicle. The scheme with respect to material-alteration type manufacturers as well would not appear to provide as much assistance to final-stage manufacturers as that adopted under Part 568. Traditionally, the final-stage manufacturer is an entity whose resources are limited. The thrust of Part 568 is to place some legal responsibility on the incomplete vehicle manufacturer to supply the final-stage manufacturer with data and conditions under which the completed vehicle will comply, and most importantly, to allocate a fair share of the legal responsibility for conformity to the incomplete vehicle manufacturer. GM's petition is therefore denied.

Chrysler also wishes to split the certification responsibility, and petitioned for an amendment requiring the incomplete vehicle manufacturer to "list \* \* \* only those standards to which full compliance has been achieved \* \* \*." Otherwise, Chrysler feels it has no alternative other than periodic use of the general statement allowed by § 568.4(a)(7)(iii) that conformity with a standard is not sub-

stantially determined by the design of the incomplete vehicle, and that the incomplete vehicle manufacturer makes no representation as to conformity of the incomplete vehicle with such standard.

Since alternative (iii), above, is partially a factual representation, Chrysler may not provide such a statement where conformance with a standard is substantially determined by the design of the incomplete vehicle. It is up to the incomplete vehicle manufacturer to decide which type of statement accurately reflects the condition of compliance, and Chrysler may use the general statement in those instances where it is appropriate. Chrysler's petition is therefore denied.

4. *Sequence of required data.* Ford petitioned that Part 567 be amended to make the sequence of the data required on certification labels permanently affixed to completed vehicles consistent with that on the document to be supplied by incomplete vehicle manufacturers (Part 568). Ford's reason for this request is that it would simplify computer print-out of material if the same computer program could be used for both requirements.

Although this request has some technical merit, Ford is the only manufacturer who has commented on variances in data sequence. This agency understands that other manufacturers have already ordered certification labels printed in the sequence required by Part 567, and deems it unfair to them to amend Part 567 at this time. Ford's request is therefore denied.

5. *Proposed VIN.* There were no objections to the proposal that a vehicle identification number be required for labels on vehicles manufactured in two or more stages, and the proposal is adopted.

In consideration of the foregoing the following changes are made in 49 CFR Part 567.

1. Sections 567.4(g)(3) and 567.5(a)(5) are both amended to read: "'Gross Vehicle Weight Rating,' or 'GVWR,' followed by the appropriate value in pounds, which shall not be less than the sum of unloaded vehicle weight, rated cargo load, and 150 pounds times the vehicle's designated seating capacity."

2. In § 567.5(a), the existing subparagraph (8) is renumbered (9), and a new subparagraph is inserted: "(8) Vehicle identification number."

*Effective date.* January 1, 1972.

(Secs. 103, 112, 114 and 119, National Traffic and Motor Vehicle Safety Act of 1966, 15 U.S.C. 1392, 1401, 1403, and 1407, and the delegation of authority from the Secretary of Transportation to the National Highway Traffic Safety Administrator, 49 CFR 1.51)

Issued on October 6, 1971.

DOUGLAS W. TOMS,  
Administrator.

[FR Doc.71-14888 Filed 10-7-71;8:51 am]

## Title 50—WILDLIFE AND FISHERIES

### Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

#### PART 32—HUNTING

#### Certain National Wildlife Refuges in Certain States

The following special regulations are issued and are effective on date of publication in the *FEDERAL REGISTER* (10-8-71).

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

#### ARIZONA AND CALIFORNIA

##### HAVASU NATIONAL WILDLIFE REFUGE

Public hunting of ducks, geese, coots, and gallinules on the Havasu National Wildlife Refuge, Arizona and California, is permitted as follows: Ducks, coots, and gallinules, from October 16, 1971 through January 16, 1972, inclusive; geese, from November 13, 1971 through January 9, 1972, inclusive, but only on the areas designated by signs as open to hunting. These open areas, comprising 13,200 acres, are delineated on maps available at refuge headquarters, Needles, Calif., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, geese, coots, and gallinules subject to the following special condition:

(1) Hunting is prohibited within one-fourth mile of any occupied dwelling or concession operation.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 16, 1972.

##### IMPERIAL NATIONAL WILDLIFE REFUGE

Public hunting of ducks, geese, coots, and gallinules on the Imperial National Wildlife Refuge, Arizona and California, is permitted as follows: Ducks, coots, and gallinules, from October 16, 1971 through January 16, 1972, inclusive; geese, from November 13, 1971 through January 9, 1972, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 16,500 acres, is delineated on maps available at refuge headquarters, Yuma, Arizona, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, geese, coots, and gallinules.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 16, 1972.

COLORADO

ALAMOSA NATIONAL WILDLIFE REFUGE

Public hunting of ducks, geese, coots, and mergansers on the Alamosa National Wildlife Refuge, Colorado, is permitted in accordance with conditions as outlined below, but only on the area designated by signs as open to hunting. Hunting is as follows: Ducks, coots, and mergansers, from October 2 through October 14, 1971, inclusive, and from November 1, 1971 through January 16, 1972, inclusive; Canada geese, from November 1, 1971 through January 16, 1972, inclusive. This open area, comprising 3,267 acres, is delineated on maps available at refuge headquarters, Alamosa, Colo., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, geese, coots, and mergansers subject to the following special conditions:

(1) Dogs—Not to exceed two dogs per hunter may be used only for retrieving.

(2) Boats—The use of boats is prohibited.

(3) Admittance—Entrance to the open area and parking of vehicles will be restricted to designated parking areas.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 16, 1972.

BROWNS PARK NATIONAL WILDLIFE REFUGE

Public hunting of ducks, coots, and mergansers on the Browns Park National Wildlife Refuge, Colorado, is permitted from October 2, 1971 through January 2, 1972, inclusive; geese, from November 27 through December 19, 1971, inclusive; but only on the area designated by signs as open to hunting. This open area, comprising 1,775 acres, is delineated on maps available at refuge headquarters, Greystone, Colo., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, geese, coots, and mergansers subject to the following special conditions:

(1) Vehicle travel within the refuge will be restricted to designated routes and parking areas where hunters must check in and out of the hunting area.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 2, 1972.

MONTE VISTA NATIONAL WILDLIFE REFUGE

Public hunting of ducks, geese, coots, and mergansers on the Monte Vista National Wildlife Refuge, Colorado, is permitted in accordance with conditions as outlined below, but only on the area designated by signs as open to hunting. Hunting is as follows: Ducks, coots, and mergansers, from October 2 through October 14, 1971, inclusive; and from November 1, 1971 through January 16, 1972, inclusive; Canada geese, from November 1, 1971 through January 16, 1972, inclusive. This open area, comprising 5,314 acres, is delineated on maps available at refuge headquarters, Monte Vista, Colo., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, geese, coots, and mergansers subject to the following special conditions:

(1) Dogs—Not to exceed two dogs per hunter may be used only for retrieving.

(2) Boats—The use of boats is prohibited.

(3) Admittance—Entrance to the open area and parking of vehicles will be restricted to designated parking areas.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 16, 1972.

KANSAS

FLINT HILLS NATIONAL WILDLIFE REFUGE

Public hunting of ducks, geese, and coots on the Flint Hills National Wildlife Refuge, Kansas, is permitted as follows: Ducks and coots, from October 16 through December 12, 1971, inclusive, and from December 18 through December 29, 1971, inclusive; geese, from October 16 through December 29, 1971, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 5,165 acres, is delineated on maps available at refuge headquarters, Burlington, Kans., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, geese, and coots subject to the following special conditions:

(1) Vehicle access shall be restricted to designated parking areas and to existing roads.

(2) Blind construction by the public is permitted but limited to temporary above ground construction. Blind construction does not constitute a reservation of hunting space. Daily occupancy of blinds erected on refuge hunting units will be determined on a first-come first-serve basis.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50,

Code of Federal Regulations, Part 32, and are effective through December 29, 1971.

KIRWIN NATIONAL WILDLIFE REFUGE

Public hunting of ducks, geese, and coots on the Kirwin National Wildlife Refuge, Kansas, is permitted as follows: Ducks and coots, from October 16 through December 12, 1971, inclusive, and from December 18 through December 29, 1971, inclusive; geese, from October 16 through December 29, 1971, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 3,300 acres, is delineated on maps available at refuge headquarters, 5 miles west of Kirwin, Kans., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, geese, and coots subject to the following special condition:

(1) Blinds—Temporary blinds constructed above ground from natural vegetation are permitted. Digging of holes or pits to serve as blinds is prohibited.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 29, 1971.

QUIVIRA NATIONAL WILDLIFE REFUGE

Public hunting of ducks, coots, gallinules, and mergansers on the Quivira National Wildlife Refuge, Kans., is permitted from October 16 through December 12, 1971, inclusive, and from December 18 through December 29, 1971, inclusive; geese, from October 16 through December 29, 1971, inclusive. Hunting of mourning doves, snipe, and woodcock is permitted when the respective seasons are concurrent with the waterfowl seasons as designated by the Kansas Forestry, Fish, and Game Commission. Hunting shall be only on the areas designated by signs as open to hunting. These open areas, comprising 7,990 acres, are delineated on maps available at refuge headquarters, Stafford, Kans., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, coots, gallinules, geese, mourning doves, snipe, and woodcock subject to the following special conditions:

(1) Blinds—Only temporary blinds constructed above ground of natural vegetation are permitted.

(2) Dogs—Not to exceed two per hunter may be used only for retrieving.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 29, 1971.

## NEW MEXICO

## BITTER LAKE NATIONAL WILDLIFE REFUGE

Public hunting of ducks, geese, coots, and sandhill cranes on the Bitter Lake National Wildlife Refuge, N. Mex., is permitted as follows: Ducks, geese, and coots, from October 23, 1971 through January 16, 1972, inclusive; sandhill cranes, from October 30, 1971 through January 30, 1972, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 3,320 acres, is delineated on maps available at refuge headquarters, Roswell, N. Mex., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, geese, coots, and sandhill cranes.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 30, 1972.

## BOSQUE DEL APACHE NATIONAL WILDLIFE REFUGE

Public hunting of snow, blue and Ross' geese only on the Bosque del Apache National Wildlife Refuge, N. Mex., is permitted from January 1 through January 16, 1972, inclusive, but only on the area designated by signs as open to hunting. This open area, Unit b comprising 1,300 acres, is delineated on maps available at refuge headquarters, San Antonio, N. Mex., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of geese subject to the following special conditions:

(1) Bag and possession limit: Two geese, which may not include more than one Ross' goose.

(2) Shooting hours shall be from sunrise to noon.

(3) Hunting is permitted only from the assigned blind, with no more than three hunters per blind. Blinds assigned on a first-come basis.

(4) Hunters shall check in between the hours of 5 a.m. and 6 a.m. and check out at the station in person no later than 12:30 p.m.

(5) During a 1-day hunt period, no hunter shall take to or fire more than four rounds of ammunition while hunting from the assigned blind.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 16, 1972.

## OKLAHOMA

## SEQUOYAH NATIONAL WILDLIFE REFUGE

Public hunting of ducks, geese, and scaup on the Sequoyah National Wildlife Refuge, Okla., is permitted as fol-

lows: Ducks, from October 16 through November 25, 1971, inclusive, and from December 11, 1971 through January 8, 1972, inclusive; geese, from October 23, 1971 through January 5, 1972, inclusive; scaup, from November 26 through December 10, 1971, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 9,760 acres, is delineated on maps available at refuge headquarters, Sallisaw, Okla., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, geese, and scaup subject to the following special conditions:

(1) Hunting weapons of any kind are prohibited in areas not posted as open to public hunting, except the Kerr-McClellan Navigation Channel where weapons must be cased or broken down.

(2) Camping or possession of firearms on the refuge at night are prohibited.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 8, 1972.

## TISHOMINGO NATIONAL WILDLIFE REFUGE

Public hunting of ducks, geese, and coots on the Tishomingo National Wildlife Refuge, Okla., is permitted only on the area designated by signs as open to hunting. This open area, comprising 3,170 acres, is delineated on maps available at refuge headquarters, Tishomingo, Okla., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, geese, and coots subject to the following special conditions:

(1) Ducks and coots may be hunted in Zone 1 from one-half hour before sunrise to 11:45 a.m. on Tuesdays, Thursdays, Saturdays, and Sundays, from October 23 through November 25, 1971, inclusive, and from December 11, 1971 through January 8, 1972, inclusive; in Zone 2 (restricted to hunters using retrievers), from November 6 through November 25, 1971, inclusive, and from December 11, 1971 through January 8, 1972, inclusive. Geese may be hunted (Zone 3 only) from one-half hour before sunrise to 11:45 a.m. on Tuesdays, Thursdays, Saturdays, and Sundays, from November 6, 1971 through January 4, 1972, inclusive. The entire 3,170 acres will be closed to hunting on Christmas and New Year's Days.

(2) Each hunter shall be limited to 6 shells in possession when entering Zone 3, and 25 shells when entering Zones 1 and 2 of the Management Unit.

(3) Skybusting (in excess of 45 yards) is against area regulations. Hunters in violation will be removed from the blinds and their season's hunting privileges will be revoked.

(4) In Zone 3, 35 goose blinds are provided and hunters will be assigned to blinds by applying for a blind reservation. Temporary blinds may not be constructed in Zone 3. Eight duck blinds are provided in Zone 1, and hunters will be assigned to these blinds on a first-come first-choice basis. Construction of temporary blinds is permitted in the pothole area in Zone 1. These blinds may be placed where desired after giving due consideration to safety and hunting opportunities of other sportsmen, but blinds must be at least 80 yards apart.

(5) Hunting of geese in Zone 3 is by application, and actual blind assignment is determined by a punchboard. Hunters will be accepted into Zone 1 on a first-come first-choice basis. All hunters, upon entering or leaving the area, shall report at designated checking stations as may be established for the regulation of the hunting activity and shall furnish information pertaining to their hunting, as requested.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 8, 1972.

## TEXAS

## BRAZORIA NATIONAL WILDLIFE REFUGE

Public hunting of ducks, geese, and coots on the Brazoria National Wildlife Refuge, Tex., is permitted only on the area designated by signs as open to hunting. This open area, comprising approximately 400 acres of Rattlesnake Island on the southeast side of the Intracoastal Waterway and adjacent to Christmas and Drum Bays, is delineated on maps available at refuge headquarters, Angleton, Tex., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Hunting shall be in accordance with all applicable State and Federal regulations subject to the following special conditions:

(1) The refuge hunting season for ducks and coots extends from November 3, 1971 through January 11, 1972, inclusive.

(2) The refuge hunting season for geese extends from November 3, 1971 through January 16, 1972, inclusive.

(3) Access to the hunting area is entirely over public water routes. Travel across the refuge mainland to and from the area open to hunting is not permitted.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 16, 1972.

## UTAH

## BEAR RIVER MIGRATORY BIRD REFUGE

Public hunting of ducks, coots, mergansers, and whistling swans on the Bear River Migratory Bird Refuge, Utah, is permitted from October 2, 1971 through January 2, 1972, inclusive; geese, from

October 23 through December 19, 1971, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 12,855 acres, is delineated on maps available at refuge headquarters, Brigham City, Utah, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, geese, coots, mergansers, and whistling swans subject to the following special conditions:

(1) Area A—No hunting is permitted from roadways or within 100 yards of any roadway. Area B—No hunting is permitted from roadways or adjacent area as posted by signs.

(2) The use of boats is permitted except that airthrust boats may not be used in Unit 2 on weekends and holidays. Airthrust boats may be launched only from designated boat ramps. Boats may be left at designated areas 1 week prior to and during the hunting season. All boats and trailers must be removed within 2 weeks after the close of the hunting season.

(3) Parking—Hunters may park cars only at designated areas within the refuge.

(4) Checking in and out—Each hunter who enters Area A is requested to register at the checking station and check out before leaving the refuge. Those hunting in Area B are not required to register on entering or leaving the refuge.

(5) Routes of Travel—To reach open hunting area, travel is permitted on foot or bicycle over roads between Units 1 and 2 and Units 2 and 3. Travel by boats from checking station using the canal between Units 1 and 2, or down main river channel into Unit 2, or using the canal between Units 2 and 3. Travel by boats and trailers over dike roads to designated parking and launching areas. Airthrust boats may use designated travel lanes across a closed portion of the refuge leading to the open area south and southwest of the refuge.

The provisions of this special regulation supplement the regulations which

govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 2, 1972.

#### FISH SPRINGS NATIONAL WILDLIFE REFUGE

Public hunting of ducks, coots, and mergansers on the Fish Springs National Wildlife Refuge, Utah, is permitted from October 2, 1971 through January 2, 1972, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 7,192 acres, is delineated on maps available at refuge headquarters, 66 miles southwest of Dugway, Utah, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, coots, and mergansers subject to the following special conditions:

(1) All hunters must register at the Visitor Information Station prior to hunting.

(2) Shooting upon or across dikes or roads is prohibited.

(3) Use of small boats, canoes, etc. is permitted during the hunting season, but no outboard motors or airthrust boats are allowed.

(4) Dogs may be used for hunting but are to be kept under control at all times.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 2, 1972.

#### WYOMING

##### PATHFINDER NATIONAL WILDLIFE REFUGE

Public hunting of ducks, geese, coots, and mergansers on the Pathfinder National Wildlife Refuge, Wyo., is permitted as follows: Ducks, coots, and mergansers, from October 2 through November 7, 1971, inclusive; geese, from November 20, 1971 through January 11, 1972, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 3,760 acres, is delineated on maps available at refuge headquarters, Walden,

Colo., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, geese, coots, and mergansers subject to the following special condition:

(1) Blinds—The construction of permanent blinds or pits is not permitted. Portable blinds may be used but not left on the refuge.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 11, 1972.

##### SEEDSKADEE NATIONAL WILDLIFE REFUGE

Public hunting of ducks, geese, coots, and mergansers on the Seedskadee National Wildlife Refuge, Wyoming, is permitted as follows: Ducks, coots, and mergansers, from October 2 through December 31, 1971, inclusive; geese, from October 2 through October 31, 1971, inclusive, and from December 4 through December 31, 1971, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 12,370 acres, is delineated on maps available at refuge headquarters, Room 118, Courthouse Building, Green River, Wyo., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, geese, coots, and mergansers.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations; Part 32, and are effective through December 31, 1971.

WILLIAM M. WHITE,  
Acting Regional Director,  
Albuquerque, N. Mex.

SEPTEMBER 30, 1971.

[FR Dec.71-14738 Filed 10-7-71;8:46 am]



# Proposed Rule Making

## DEPARTMENT OF THE TREASURY

Bureau of Customs

[ 19 CFR Part 6 ]

PUT-IN-BAY AIRPORT, OHIO

### Proposed Revocation of International Airport Status

A review of the workload at Put-in-Bay Airport, an international airport, at Put-in-Bay, Ohio, indicates that traffic is so negligible and Customs transactions are so few as not to warrant maintenance of its status as an international airport. The few transactions now handled could easily be handled, without undue inconvenience to the public, at the John G. Hinde Airport, an international airport at Sandusky, Ohio, some 30 miles south of Put-in-Bay.

Therefore, notice is hereby given that under the authority of section 1109(b) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1509(b)), it is proposed to revoke the designation of Put-in-Bay Airport in Put-in-Bay, Ohio, as an international airport (airport of entry) for civil aircraft and for merchandise carried thereon arriving from places outside the United States, and to amend § 6.13 of the Customs Regulations (19 CFR 6.13) to delete Put-in-Bay Airport, Put-in-Bay, Ohio, from the list of international airports.

Data, views, or arguments with respect to the proposed revocation of the above-mentioned international airport may be addressed to the Commissioner of Customs, Washington, D.C. 20226. To insure consideration of such communications, they must be received by the Bureau not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Written material or suggestions submitted will be available for public inspection in accordance with § 103.3(b) of the Customs Regulations (19 CFR 103.3(b)) at the Bureau of Customs, Washington, D.C., during regular business hours.

[SEAL] EDWIN F. RAINS,  
Acting Commissioner of Customs.

Approved: September 24, 1971.

EUGENE T. ROSSIDES,  
Assistant Secretary of the  
Treasury.

[FR Doc.71-14771 Filed 10-7-71;8:48 am]

Internal Revenue Service

[ 26 CFR Part 1 ]

INCOME TAX

### Community Trusts and Effect of Restrictions and Conditions Upon Distributions of Net Assets

Notice is hereby given that the regulations set forth in tentative form in the attached appendix are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, preferably in quintuplicate, to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by November 8, 1971. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner by November 8, 1971. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] JOHNNIE M. WALTERS,  
Commissioner of Internal Revenue.

In order to conform the Income Tax Regulations (26 CFR Part 1) with respect to sections 170(b)(1)(A)(vi) and 507(b)(1)(A) of the Internal Revenue Code of 1954, as amended and added respectively by sections 101(a) and 201(a) of the Tax Reform Act of 1969 (83 Stat. 549), such regulations are amended to read as follows:

PARAGRAPH 1. There is inserted in the appropriate place, the following:

#### § 1.170A-9 Definition of section 170(b)(1)(A) organization.

(e) Definition of section 170(b)(1)(A)(vi) organization. \* \* \*

(10) Community trust; general rules—  
(i) In general. Subparagraphs (1) through (9) of this paragraph establish tests to determine in general whether an organization is "publicly supported." They contemplate that an organization will be so treated only where it attracts,

receives, and depends on financial support from members of the general public on a regular, recurring basis. Because of their unique character, however, "community trusts" may require special tests to determine whether they are publicly supported. Community trusts are designed primarily to attract large contributions of a capital or endowment nature, and they attract such contributions from a smaller number of donors. They are generally identified with a particular community or area and controlled by a representative group of persons from that community or area. Individual donors relinquish control over the investment and distribution of their contributions and the income therefrom, although donors may designate at the time of their contributions the purposes for which the assets are to be used, subject to change by the governing body of the community trust. Accordingly if a community trust, fund, or foundation (herein collectively referred to as a "community trust") does not satisfy the tests of subparagraphs (1) through (9) of this paragraph, it may be treated as "publicly supported" if it meets the tests set forth in subdivision (ii) of this subparagraph or (in the case of a newly created community trust) subparagraph (16) of this paragraph.

(ii) Description of "publicly supported" community trusts. A community trust will be treated as a "publicly supported" organization within the meaning of subparagraph (1) of this paragraph if it meets all of the following tests:

(a) The support test described in subparagraph (11) of this paragraph;

(b) The structural test described in subparagraph (12) of this paragraph;

(c) The administration test described in subparagraph (13) of this paragraph; and

(d) The distribution test described in subparagraph (14) of this paragraph.

(iii) Relationships. For purposes of subparagraphs (11) through (14) of this paragraph any person standing in a relationship to another person within the meaning of section 4946(a)(1)(C) through (G) shall be treated as if he were such person.

(iv) Special rules for support test. In applying subdivision (iii) of this subparagraph, solely for purposes of subparagraph (11) of this paragraph—

(a) Any person standing in a relationship to another person within the meaning of section 4946(a)(1)(A) shall be treated as if he were such person; and

(b) The family of any individual shall include his spouse, ancestors, lineal descendants, spouses of lineal descendants, brothers and sisters (whether by the whole or half-blood), spouses of brothers

and sisters, and spouses of lineal descendants of brothers and sisters.

(11) *Community trusts; support test.* In order to satisfy the support test referred to in subparagraph (10) (ii) (a) of this paragraph, a community trust must meet the following requirements:

(i) At the end of a community trust's third, fourth, and fifth taxable years:

(a) No one person must have contributed an amount which exceeds 90 percent,

(b) No two persons must have contributed an amount which exceeds 95 percent, and

(c) No three persons must have contributed an amount which exceeds 98 percent of the fair market value of the total contributions, gifts, and grants received by the community trust from the date of its creation to the end of each such respective taxable year. However, this subdivision shall not be treated as satisfied for any taxable year unless subdivision (ii) of this subparagraph is met for its sixth taxable year.

(ii) At the end of its sixth through 10th taxable years:

(a) No one person must have contributed an amount which exceeds 66⅔ percent,

(b) No two persons must have contributed an amount which exceeds 90 percent, and

(c) No three persons must have contributed an amount which exceeds 98 percent of the fair market value of the total contributions, gifts, and grants received by the community trust from the date of its creation to the end of each such respective taxable year.

(iii) At the end of each taxable year following its 10th taxable year:

(a) No one person must have contributed an amount which exceeds 50 percent,

(b) No two persons must have contributed an amount which exceeds 75 percent,

(c) No three persons must have contributed an amount which exceeds 95 percent, and

(d) No four persons must have contributed an amount which exceeds 98 percent of the fair market value of the total contributions, gifts, and grants received by the community trust from the date of its creation to the end of each such respective taxable year.

The term "contributions, gifts, and grants" shall include bequests, legacies, devises, and transfers within the meaning of section 2055 or 2106(a) (2), and support from a governmental unit within the meaning of subparagraph (8) of this paragraph. The fair market value of any contribution, gift, or grant shall be determined on the date on which such contribution, gift, or grant is received. For purposes of subdivisions (i), (ii), and (iii) of this subparagraph, contributions, gifts, and grants received by an organization otherwise described in section 509(a) (3) with respect to the community trust shall be taken into account by the community trust, and any community trust created before October 7,

1971, shall be treated as created on such date.

(iv) Irrespective of the term of existence of the community trust, it must conduct a bona fide continuous program of solicitation for new and additional gifts and bequests from a wide range of potential donors in the community or area which it serves. Community trusts will generally satisfy this requirement if they seek gifts and bequests through banks or trust companies, through attorneys or other professional persons, or in other appropriate ways which call attention to the community trust as a potential recipient of gifts and bequests made for the benefit of the community or area served. A community trust is not, however, required to engage in periodic community-wide fund-raising campaigns directed toward attracting a large number of small contributions in a manner similar to campaigns conducted by a community chest or united fund.

(12) *Community trust; structural test.* In order to satisfy the structural test referred to in subparagraph (10) (ii) (b) of this paragraph, a community trust must meet all of the following requirements:

(i) It must be commonly known as a community trust, fund, foundation, or other similar name conveying the concept of a capital or endowment fund to support charitable activities (within the meaning of section 170(c) (1) or (2) (B)) in the community or area it serves.

(ii) It must be organized and operated as a trust, unincorporated association, not-for-profit corporation, or some combination thereof, exclusively to carry out charitable purposes (within the meaning of section 170(c) (1) or (2) (B)), primarily within the municipality, county or metropolitan area which it serves, which may include activities in adjoining communities or a metropolitan area extending into more than one State, but may not otherwise include any significant activities extending throughout one or more States.

(iii) It must be controlled by a governing body or distribution committee (hereinafter referred to as "governing body") consisting of persons who:

(a) Are selected because they are generally representative of varied elements or organizations in the community, rather than selected because of the personal or private interests of any particular donor (or persons standing in a relationship to such donor which is described in section 4946(a) (1) (C) through (G));

(b) Are periodically appointed for a term of office (whether or not staggered) not exceeding 5 years;

(c) Are not reappointed for two successive terms; and

(d) If they are persons who would be described in section 4946(a) (1) (A) or (C) through (G) if the community trust were a private foundation, do not constitute more than one-third of the governing body.

The governing body may include representatives of banks or trust companies

which serve as custodians or agents of the community trust, but such representatives plus any persons described in (d) of this subdivision may not constitute a majority of the governing body.

(iv) It must make available to the public annual financial reports. For this purpose, an information or other return made pursuant to a requirement of a governmental unit shall not be treated as a financial report. An organization shall be treated as meeting this requirement if it publishes a financial report in a newspaper of general circulation in the community in which the organization operates or if it makes a bona fide dissemination of its financial report.

(v) The governing body must adopt a resolution, having continuing effect, that the community trust shall not engage in any act with any person (other than a foundation manager acting only in such capacity) which would constitute self-dealing within the meaning of section 4941 if such community trust were a private foundation. An act (or failure to act) will not constitute self-dealing for purposes of the preceding sentence if it is permitted by § 1.507-2(a) (8). Such resolution must be communicated by the governing body to each trustee, agent, or custodian.

(vi) The governing body must adopt a resolution, having continuing effect, that it will exercise expenditure responsibility (within the meaning of section 4945(h)) through either its governing body or its trustees, agents, or custodians, with respect to any grant which would otherwise constitute a taxable expenditure under section 4945(d) (4) if the community trust were a private foundation. Such resolution must be communicated by the governing body to each trustee, agent, or custodian.

(vii) If the community trust has holdings which would constitute excess business holdings (within the meaning of section 4943) if such trust were a private foundation, there shall be a plan for the disposition of such excess holdings. Such plan shall require such dispositions in a manner which would be sufficient to avoid the imposition of any tax upon the community trust under section 4943 with respect to such holdings if the community trust were a private foundation. Such plan must be communicated by the governing body to each trustee, agent, or custodian.

(13) *Community trusts; administration test.* In order to satisfy the administration test referred to in subparagraph (10) (ii) (c) of this paragraph, a community trust must meet all of the following requirements:

(i) It must administer all gifts and bequests through:

(a) A governing body which directly holds and invests such gifts and bequests exclusively for charitable purposes;

(b) Banks or trust companies acting or appointed as trustees, agents, or custodians of the assets of the community trust or one or more components thereof, consistent with subdivisions (ii) through (v) of this subparagraph; or

(c) A combination of persons described in (a) and (b) of this subdivision.

(ii) All funds which are administered by the community trust through any of the means described in subdivision (i) of this subparagraph must be invested to produce a reasonable return of net income or appreciation (except for assets held directly for the active conduct of the community trust's exempt activities within the meaning of section 4942(j)(3)(B)(i)). Such investment shall be accomplished without consultation of donors to the community trust, except as otherwise provided in subparagraphs (11) through (14) of this paragraph or § 1.507-2(a)(8).

(iii) The governing instrument or master trust or agency agreement shall impose fiduciary responsibility on either the governing body or the banks or trust companies acting as trustees, agents, or custodians without exoneration from the normal responsibility of a fiduciary.

(iv) The governing body must possess the authority either to substitute another bank or trust company for any bank or trust company serving as trustee, custodian, or agent of such fund or to require such bank or trust company to change the conduct of its investment policy with respect to the assets held in trust in order to comply with subdivisions (ii) and (iii) of this subparagraph.

(v) With respect to any funds which are administered in the manner described in subdivision (i)(b) of this subparagraph by a bank or trust company, such bank or trust company must hold such funds subject to the right of the governing body of the community trust to distribute the funds for charitable purposes within the scope of its powers, in satisfaction of subparagraph (14) of this paragraph.

(14) *Community trusts; distribution test.* In order to satisfy the distribution test referred to in subparagraph (10)(ii) of this paragraph, a community trust must meet all of the following requirements:

(i) It must make qualifying distributions (within the meaning of section 4942(g)) in an amount not less than the greater of its adjusted net income (as defined in section 4942(f)) or two-thirds of its minimum investment return (within the meaning of section 4942(e)) in a manner which would be sufficient to avoid the imposition of any tax upon the community trust under section 4942 with respect to such amount if the community trust were a private foundation.

(ii) Except as provided in subdivision (iii) of this subparagraph, its funds must be distributed at the direction of its governing body.

(iii) Subject to the limitation in subdivision (iv) of this subparagraph and the provisions of § 1.507-2(a)(8), any fund which is part of the community trust may be created for specified charitable purposes or for the benefit of specified section 509(a)(1), (2), or (3) organizations. However, the governing body must have the power and the duty to modify any such restriction or condition if the distribution of funds for the

specified charitable purposes or to the specified organizations becomes, in the sole judgment of the governing body, unnecessary, incapable of fulfillment, or inconsistent with the charitable needs of the community or area served. The governing body must exercise such power and duty in appropriate circumstances freely in the best interests of the community or area served.

(iv) At least one-half of the total income of the community trust which is available for distribution each year must not be restricted (within the meaning of this subdivision) and must be available for distribution at the sole discretion of the governing body. For purposes of this subdivision, any income which has been designated by the creator or donor of the gift or bequest to which such income is attributable as being for a broad charitable purpose, such as for the encouragement of higher education in the community or the promotion of better health care in the community, will be treated as not restricted. However, any income which has been designated for a named charitable organization or agency or for a particular class of charitable organizations or agencies, the members of which are readily ascertainable and are less than five in number, will be treated as restricted.

(15) *Community trusts; status as to current and immediately succeeding taxable years.* If an organization has met the requirements of subparagraph (10)(i) of this paragraph with respect to its current taxable year, it will be considered to be a "publicly supported" organization for such current taxable year, and the taxable year immediately succeeding such current taxable year. However, regardless of the preceding sentence, the organization will not be considered to be a "publicly supported" organization for any year in which there are substantial changes in the organization's character, purposes, or method of operation which cause the organization to fail to meet the requirements of subparagraph (10)(ii) of this paragraph. For the status of grants and contributions to such organization, see subparagraph (17) of this paragraph.

(16) *Community trusts; newly created organizations.* A community trust which has been in existence for less than 1 taxable year may apply for a ruling or determination letter that it is a "publicly supported" organization within the meaning of subparagraph (1) of this paragraph if it establishes that it is organized, and will be operated, in such manner as to meet the requirements of subparagraphs (12), (13), and (14)(ii) and (iii) of this paragraph, and that it can reasonably be expected to meet the requirements of subparagraphs (11) and (14)(i) and (iv) of this paragraph. The issuance of a ruling or determination letter will be discretionary with the Commissioner. A ruling or determination letter issued pursuant to this subparagraph shall remain in effect with respect to the organization unless and until the organization is notified by the Commissioner that such ruling or determination

letter has been terminated, or such ruling or determination letter has been revoked by published ruling or regulation, provided there are no failures to meet the support requirements of, or substantial and material changes affecting the organization's status as, a "publicly supported" organization as described in subparagraph (10)(ii) of this paragraph.

(17) *Community trust; status of contributors.* If a grantee organization has received a favorable ruling or determination that such organization qualifies as a "publicly supported" community trust (as described in subparagraph (10)(ii) of this paragraph), then for purposes of sections 170, 507(b)(1)(A), 509, 4942, and 4945, the status of transfers, grants, or contributions with respect to transferors, grantors, or contributors to such organization will not be affected until notice of change of status of such organization is made to the public (such as by publication in the Internal Revenue Bulletin), unless the transferor, grantor, or contributor (or any person standing in a relationship to such transferor, grantor, or contributor which is described in section 4946(a)(1)(C) through (G)):

(i) Was in part responsible for, or was aware of, the act or failure to act that resulted in the organization's loss of classification under section 170(b)(1)(A)(vi), or acquired knowledge that the Internal Revenue Service had given notice to such organization that it would be deleted from such classification; or

(ii) Was in part responsible for, or was aware of, the imposition of any restrictions or conditions upon the transferred or contributed assets, or any act or failure to act with respect thereto, which resulted in the treatment of the fund or trust (created as a result of such transfer) as a separate fund described in subparagraph (18)(iii) of this paragraph (rather than as a component part of the community trust described in subparagraph (18)(ii) of this paragraph), or acquired knowledge that the Internal Revenue Service had given notice to such organization that such fund or trust would be treated as a separate fund.

In any case in which a transfer, grant, or contribution might result in the application of subdivision (i) or (ii) of this subparagraph, any party to such transfer, grant, or contribution may, upon making full disclosure of all pertinent and material facts, apply for a ruling or determination letter which clarifies the effect of such transfer, grant, or contribution. The issuance of such ruling or determination letter will be discretionary with the Commissioner.

(18) *Community trusts; special rules—*

(i) *Community trusts as single entities.* For purposes of sections 170, 501, 507, 508, 509, and chapter 42, any organization that meets the requirements of subparagraphs (12)(i) through (iv), (13)(i) and (iii), and (14)(ii) and (iii) will be treated as a single entity, rather than as an aggregation of separate funds, and except as otherwise provided in such sections or the regulations thereunder or in this subparagraph, all funds (whether



not-for-profit corporations, trusts, unincorporated associations, or a combination thereof which comprise the community trust will be treated as component parts of a single entity.

(ii) *Requirements for inclusion as components of a community trust.* For purposes of sections 170, 501, 507, 508, 509, and chapter 42, a trust or fund must meet the following requirements in order to be treated as a component part of a community trust referred to in subdivision (i) of this subparagraph (rather than as a separate trust or not-for-profit corporation or association described in subdivision (iii) of this subparagraph):

(a) It must be created by a gift bequest, legacy, devise, or transfer to a community trust which is treated as a single entity under subdivision (i) of this subparagraph; and

(b) The creator of the trust or the donor of the fund may not, directly or indirectly, subject the transferred assets to any material restriction or condition, except as provided in subparagraphs (13) (ii) and (14) (iii) of this paragraph. Except as otherwise provided in sections 170, 501, 507, 508, 509, and chapter 42 and the regulations thereunder, the requirements of (b) of this subdivision shall apply only to transfers made on or after October 9, 1969, to funds or trusts alleged to be component parts of a community trust.

Any transfer made to the community trust prior to October 9, 1969, will be presumed to have met the requirements of (b) of this subdivision if a deduction with respect to such transfer was allowable under § 1.170-1(e), § 20.2055-2(b), or § 25.2522(a)-2(b). Any transfer made to a fund or trust which is treated as a component part of a community trust under this subdivision will be treated as a transfer made "to" a community trust for purposes of sections 170(b) (1) (A) and 507(b) (1) (A) if such organization meets the requirements of section 170 (b) (1) (A) (vi) as a "publicly supported" organization at the time of the transfer, except as provided in subparagraph (17) of this paragraph.

(iii) *Treatment of trusts or not-for-profit corporations or associations not included as components of a community trust.* (a) For purposes of sections 170, 501, 507, 508, 509, and chapter 42, any trust or not-for-profit corporation or association which is alleged to be a component part of a community trust, but which fails to meet the requirements of subdivision (ii) of this subparagraph, shall not be treated as a component part of a community trust described in subdivision (i) of this subparagraph and, if a trust, shall be treated as a separate trust and be subject to the provisions of section 4947(a) (1) or (2), as applicable. If such organization is a not-for-profit corporation or association, it will be treated as a separate entity, and if it is described in section 501(c) (3), it will be treated as a private foundation unless it is described in section 509(a) (1), (2), (3), or (4). Therefore, any transfer made in connection with the creation of such separate trust or not-for-profit organiza-

tion, or to such entity, will not be treated as being made "to" the community trust or one of its components for purposes of sections 170(b) (1) (A) and 507(b) (1) (A) even though a deduction with respect to such transfer is allowable under §§ 1.170-1(e), 20.2055-2(b), or 25.2522(a)-2(b). In general, the failure to meet the requirements of subdivision (ii) (b) of this subparagraph will also result in the failure of the separate trust or fund to satisfy section 509(a) (3).

(b) If a transfer is made in trust to a community trust to make income or other payments for a period of a life or lives in being or a term of years to any individuals or for any noncharitable purposes, followed by payments to or for the use of the community trust (such as in the case of a charitable remainder annuity trust or a charitable remainder unitrust described in section 664 or a pooled income fund described in section 642(c) (5)), such trust will be treated as a component part of the community trust upon the termination of all intervening noncharitable interests and rights to the actual possession or enjoyment of the property if such trust satisfies the requirements of this subparagraph at such time. Until such time, the trust will be treated as a separate trust and will be subject to section 4947(a) (2). If a transfer is made in trust to a community trust to make income or other payments to or for the use of the community trust, followed by payments to any individual or for any non-charitable purpose, such trust will be treated as a separate trust rather than as a component part of the community trust. See section 4947(a) (2) and the regulations thereunder for the treatment of such trust prior to the termination of the payments to or for the use of the community trust.

(iv) *Section 170(b) (1) (E) (iii) organizations distinguished.* An organization described in section 170(b) (1) (E) (iii) will not ordinarily satisfy the requirements of subdivision (ii) (b) of this subparagraph because of the unqualified right of the donor to designate the recipients of the income and principal of the trust. Such organization will therefore not ordinarily be treated as a component part of a community trust within the meaning of this subparagraph. However, see section 170(b) (1) (E) (iii) and the regulations thereunder with respect to the treatment of contributions to such organizations.

(19) *Community trusts; transitional rules.* (i) In the case of a community trust in existence on October 8, 1971, the support test, the structural test, the administration test, and the distribution test shall be applied with the following modifications in subparagraphs (11) through (14) of this paragraph:

(a) Subparagraph (11) (iv) of this paragraph need be satisfied only after such date.

(b) Subparagraph (12) (iii) through (vii) of this paragraph need be satisfied only after December 31, 1971.

(c) Subparagraph (13) (ii), (iii), and (iv) of this paragraph need be satisfied only after December 31, 1971, and in the

case of subparagraph (13) (iv) of this paragraph only with respect to gifts and bequests received after October 8, 1971.

(d) Subparagraph (14) (i), (iii), and (iii) of this paragraph need be satisfied only after December 31, 1971.

(e) Subparagraph (14) (iv) of this paragraph need be satisfied only after December 31, 1971, and then only with respect to gifts and bequests received after October 8, 1971.

(ii) Notwithstanding subdivision (i) of this subparagraph, any organization created prior to October 8, 1971, which qualified as a "publicly supported" community trust under § 1.170-2(b) and which does not meet one or more of the provisions of subparagraphs (10) through (18) of this paragraph will not be treated as failing to meet the requirements of a "publicly supported" community trust described in subparagraph (10) (ii) of this paragraph if, within a period of 180 days after these regulations become final, the organization has taken such action as may be necessary to comply with such final regulations. Such 180-day period may be extended by the Commissioner for such additional period as may be reasonable and necessary for any judicial proceeding which has been commenced during such 180-day period to be completed, if such proceeding is necessary to comply with such final regulations.

(iii) Notwithstanding subdivision (i) of this subparagraph, any trust or fund created prior to October 8, 1971, which was treated as a part (or a component part within the meaning of subparagraph (18) (ii) of this paragraph) of a "publicly supported" community trust under § 1.170-2(b) and which would not be treated as a component part of a publicly supported community trust pursuant to subparagraph (18) (iii) of this paragraph will not be treated as a separate trust or not-for-profit corporation or association if, within a period of 180 days after these regulations become final, such trust or fund has taken such action as may be necessary to comply with such final regulations. Such 180-day period may be extended by the Commissioner for such additional period as may be reasonable and necessary for any judicial proceeding which has been commenced during such 180-day period to be completed, if such proceeding is necessary to comply with such final regulations.

PAR. 2. There is inserted in the appropriate place, the following:

§ 1.507-2 Special rules; transfer to, or operation as, public charity.

(a) *Transfer to public charities.* \* \* \*

(8) *Effect of restrictions and conditions upon distributions of net assets.* (i) In order to effectuate a transfer of "all of its right, title, and interest in and to all of its net assets" within the meaning of subparagraph (7) of this paragraph, a transferor private foundation may not impose any material restrictions or conditions that prevent the transferee public charity from freely and effectively employing the transferred assets, or the

income derived therefrom, in furtherance of its exempt purposes. This subparagraph shall also be applicable in determining whether a creator of a trust or donor of a fund (whether or not such creator or donor is a private foundation) has transferred all beneficial interest in and to the transferred assets to a component part of a community trust for purposes of § 1.170A-9(e) (18) (ii) (b). For purposes of § 1.170A-9(e) (18) (ii) (b), the term "transferor private foundation," as used in this subparagraph, shall be deemed to include any grantor or contributor, regardless of whether such transferor is a private foundation. Whether or not a particular condition or restriction imposed upon a transfer of assets is "material" (within the meaning of this subparagraph) must be determined from all of the facts and circumstances of the transfer. Some of the more significant facts and circumstances to be considered in making such a determination are:

(a) Whether the public charity (including a participating trustee, custodian, or agent in the case of a community trust) is the owner in fee of the assets it receives from the private foundation;

(b) Whether such assets are held and administered by the public charity in a manner consistent with one or more of its exempt purposes; and

(c) Whether the governing body of the public charity has the ultimate authority and control over such assets, and the income derived therefrom, for its exempt purposes.

(ii) The presence of some or all of the following factors will not be considered as preventing the transferee "from freely and effectively employing the transferred assets, or the income derived therefrom, in furtherance of its exempt purposes" (within the meaning of subdivision (i) of this subparagraph):

(a) The fund is given a name or other designation which is the same as or similar to that of the transferor private foundation or otherwise memorializes the creator of the foundation or his family.

(b) The income and assets of the fund are to be used for a designated purpose or for one or more particular section 509(a) (1), (2), or (3) organizations, and such use is consistent with the charitable, educational, or other basis for the exempt status of the public charity under section 501(c) (3).

In the case of a transfer to a community trust described in § 1.170A-9(e) (10) (ii), a direction in the instrument of transfer may direct the community trust to distribute income or assets for one or more particular charitable purposes or to one or more particular section 509(a) (1), (2), or (3) organizations, or may direct the timing of such distributions, if:

(1) Such distributions are consistent with the exempt purposes of the community trust, and

(2) The requirements of the second sentence of § 1.170A-9(e) (14) (iii) are satisfied with respect to such transfer. As to the effect of private foundation grants to public charities where the grants are earmarked by the private foundation for particular organizations,

with respect to the ability of such recipient organizations to meet the requirements of section 509(a) (1) or (2), see §§ 1.170A-9(e) (6) (iv) and 1.509(a)-3(j).

(c) The transferred assets are administered in an identifiable or separate fund, provided that the public charity (including a participating trustee, custodian, or agent in the case of a community trust) is the legal and equitable owner of the fund and exercises ultimate and direct authority and control over such fund, as, for example, a fund to endow a chair at a university or a medical research fund at a hospital. In the case of a community trust described in § 1.170A-9(e) (10) (ii), the transferred assets must be administered in a component part of the community trust within the meaning of § 1.170A-9(e) (18) (ii).

(d) The transferor private foundation transfers property the continued retention of which by the transferee is required by the transferor and is important to the achievement of charitable or other similar purposes in the community, as for example where a private foundation transfers a woodland preserve which is to be maintained by the public charity as an arboretum for the benefit of the community.

(iii) The presence of any of the following factors will be considered as preventing the transferee "from freely and effectively employing the transferred assets, or the income derived therefrom, in furtherance of its exempt purposes" (within the meaning of subdivision (i) of this subparagraph):

(a) The transferor foundation, or any person or committee designated by the governing body of, or pursuant to the terms of an agreement with, such transferor foundation reserves the right to direct (other than by direction only in the instrument of transfer) the particular section 509(a) (1), (2), or (3) organizations to which the transferee public charity must distribute the transferred assets, or the income derived therefrom, or both, or the timing of such distributions (as, for example, by a power of appointment). In the case of a transfer to a community trust described in § 1.170A-9(e) (10) (ii), a direction in the instrument of transfer must also satisfy the requirements of the second sentence of § 1.170A-9(e) (14) (iii).

(b) The terms of the transfer agreement, or any express or implied understanding between the transferor and the transferee, require the public charity to take or withhold action with respect to the transferred assets which is not designed to further one or more of the exempt purposes of the public charity, and such action or withholding of action would, if performed by the transferor private foundation with respect to such assets, have subjected the transferor to tax under chapter 42 (other than with respect to section 4942(e)).

(c) The public charity assumes leases, contractual obligations, or liabilities of the transferor private foundation, or takes the assets thereof subject to such liabilities (including obligations under commitments or pledges to donees of the transferor private foundation), for pur-

poses inconsistent with the purposes or best interests of the public charity.

(d) The transferee public charity is required by any restriction or agreement (other than a restriction or agreement imposed or required by law or regulatory authority), express or implied, to retain, or not to dispose of, any securities or other investment assets transferred to it by the private foundation, either permanently or for an extended period of time.

(e) An agreement is entered into between the transferor private foundation and the transferee public charity in connection with the transfer of securities or other property which grants to persons connected with the transferor private foundation a first right of refusal to purchase at fair market value the transferred securities or other property, when and if disposed of by the public charity, unless such securities or other property were purchased or otherwise received by the transferor private foundation subject to such right of first refusal prior to October 9, 1969.

(f) An agreement is entered into between the transferor private foundation and the transferee public charity which establishes irrevocable relationships with respect to the maintenance or management of assets transferred to the public charity, such as continuing relationships with banks, brokerage firms, investment counselors, or other advisors with regard to the investments or other property transferred to the public charity (other than a relationship with a trustee, custodian, or agent for a community trust which is described in § 1.170A-9(e) (10) (ii)). The transfer of property to a public charity subject to contractual obligations which were established prior to (insert date on which final regulations under section 507(b) (1) (A) are filed by the FEDERAL REGISTER) between the transferor private foundation and persons other than disqualified persons with respect to such foundation will not be treated as prohibited under the preceding sentence, provided such contractual obligations were not entered into pursuant to a plan to terminate the private foundation status of the transferor under section 507(b) (1) (A) and the continuation of such contractual obligations is in the best interests of the public charity.

(g) Any other condition is imposed on action by the public charity which prevents it from exercising ultimate control over the assets received from the private foundation for purposes consistent with its exempt purposes.

(iv) The provisions of this subparagraph may be illustrated by the following examples:

*Example (1).* The F Private Foundation transferred all of its net assets to the V Cancer Institute, a public charity described in section 170(b) (1) (A) (iii). Prior to the transfer, F's activities consisted of making grants to hospitals and universities to further research into the causes of cancer. Under the terms of the transfer, V is required to keep F's assets in a separate fund and use the income and principal to further cancer research. Although the assets may be used only for a limited purpose, this purpose is consistent with and in furtherance of V's

exempt purposes, and does not prevent the transfer from being a distribution for purposes of section 507(b)(1)(A).

*Example (2).* The G Private Foundation transferred all of its net assets to W University, a public charity described in section 170(b)(1)(A)(ii). Under the terms of the transfer, W is required to use the income and principal to endow a chair at the university to be known as the "John J. Doe Memorial Professorship," named after G's creator. Although the transferred assets are to be used for a specified purpose by W, this purpose is in furtherance of W's exempt educational purposes, and there are no conditions on investment or reinvestment of the principal or income. The use of the name of the foundation's creator for the chair is not a restriction which would prevent the transfer from being a distribution for purposes of section 507(b)(1)(A).

*Example (3).* The A Private Foundation transferred all of its net assets to X Bank as trustee for the P Community Trust, a community trust which is described in § 1.170A-9(e)(10)(ii) and is a public charity described in section 170(b)(1)(A)(vi). Under the terms of the transfer, X is to hold the assets in trust for P and is directed to distribute the income annually to the Y Church, a public charity described in section 170(b)(1)(A)(i). The distribution of income to Y Church is consistent with P's exempt purposes. The Distribution Committee of P has the right to vary this direction if such distribution becomes, in its judgment, unnecessary, incapable of fulfillment, or inconsistent with the charitable needs of the community or area served (within the meaning of § 1.170A-9(e)(14)(iii)). If the trust created by this transfer otherwise meets the requirements of § 1.170A-9(e)(18)(ii) as a component part of P Community Trust, the assets transferred by A to X will be treated as distributed to one or more public charities within the meaning of section 507(b)(1)(A). The direction to distribute the income to Y Church meets the conditions of subdivision (ii)(b)(1) and (2) of this subparagraph and will therefore not disqualify the transfer under section 507(b)(1)(A).

*Example (4).* The B Private Foundation transferred all of its net assets to Z Bank as trustee for the R Community Trust, a community trust which is described in § 1.170A-9(e)(10)(ii) and is a public charity described in section 170(b)(1)(A)(vi). Under the terms of the transfer, Z is to hold the assets in trust for R and distribute the income to those public charities described in section 170(b)(1)(A)(i) through (vi) that are designated by M, the creator of B; and the governing body of R has no authority during M's lifetime to vary M's direction. Under the terms of the transfer, it is intended that Z retain the transferred assets in their present form for a period of 20 years, or until the date of M's death if it occurs before the expiration of such period. Upon the death of M, R will have the power to distribute the income to such public charities as it selects and may dispose of the corpus as it sees fit. Under subdivision (iii)(a) and (d) of this subparagraph, as a result of either of the restrictions imposed with respect to the transferred assets, there has been no distribution of all of B's net assets within the meaning of section 507(b)(1)(A) at the time of the transfer. In addition, B has not transferred its net assets to a component part of R Community Trust, but rather to a separate trust described in § 1.170A-9(e)(18)(iii).

[FR Doc.71-14708 Filed 10-7-71;8:45 am]

## DEPARTMENT OF AGRICULTURE

### Consumer and Marketing Service

#### [7 CFR Part 993]

### DRIED PRUNES PRODUCED IN CALIFORNIA

#### Proposed Tolerance for Delivery of Undersized Prunes

Notice is hereby given of a proposal to amend § 993.207—Subpart—Salable and Reserve Percentages and Handler Reserve Obligation for the 1971-72 Crop Year (7 CFR 993.207; 36 F.R. 14723) by adding a new paragraph (d) to provide a tolerance for the delivery of undersized reserve prunes by a handler to the Prune Administrative Committee pursuant to § 993.57. The subpart is operative pursuant to the marketing agreement, as amended, and Order No. 993, as amended (7 CFR Part 993), regulating the handling of dried prunes produced in California (hereinafter collectively referred to as the "order"). The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The proposal was unanimously recommended by the Prune Administrative Committee.

Section 993.207 prescribes salable and reserve percentages for prunes of 60 percent and 40 percent, respectively, for the 1971-72 crop year and, in connection therewith, the required composition of each handler's reserve obligation. Pursuant thereto, any handler receiving prunes from a producer or dehydrator during the 1971-72 crop year is required to meet, but not to exceed, the reserve obligation referable to the total receipts from such producer or dehydrator with undersized prunes contained therein. If the total quantity of undersized prunes so delivered is insufficient to meet the handler's reserve obligation, the remainder of the reserve obligation is based on field pricing size categories other than undersized prunes comprising such receipts. If, however, such total receipts contain no undersized prunes, the handler's reserve obligation referable to such receipts is based on the field pricing size categories comprising the receipts. With respect to all such total receipts of prunes, those prunes which pass freely through a round opening twenty-five thirty-seconds of an inch in diameter are designated as undersized prunes.

It is recognized that not all undersized prunes will in each instance be segregated from prunes of larger size during the course of sizing operations by a handler. For example, this may be due to the shape of the prunes. It would, therefore, appear reasonable to provide for some tolerance as to size in connection with the requirements as to undersized

prunes. No such tolerance is provided in § 993.207.

The Committee has recommended that a reasonable tolerance would be one that permits a handler to deliver to the Committee, or its designee, as undersized prunes any lot of reserve prunes if at least 95 percent of the prunes in the lot by weight pass freely through a round opening twenty-eight thirty-seconds of an inch in diameter. However, in any lot of prunes so delivered wherein less than 95 percent of the prunes in such lot by weight pass freely through such a round opening, only those prunes in the lot which pass freely through a round opening twenty-five thirty-seconds of an inch in diameter would be considered as a delivery of undersized prunes.

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250 not later than 8 days after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice should be in quadruplicate and will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

It is proposed that § 993.207 Subpart—Salable and Reserve Percentages and Handler Reserve Obligation for the 1971-72 Crop Year (7 CFR 993.207; 36 F.R. 14723) be amended by adding a new paragraph (d) reading as follows:

§ 993.207 Salable and reserve percentages for prunes and handler reserve obligation for the 1971-72 crop year.

(d) *Delivery of prunes as undersized prunes.* At the request of the Committee pursuant to § 993.57, any lot of reserve prunes delivered by a handler to the Committee or its designee as undersized prunes shall be considered as a delivery of undersized prunes in its entirety if at least 95 percent of the prunes in the lot by weight pass freely through a round opening twenty-eight thirty-seconds of an inch in diameter. In any lot of prunes so delivered in which less than 95 percent of the prunes in such lot by weight pass freely through such a round opening, only those prunes in the lot which pass freely through a round opening twenty-five thirty-seconds of an inch in diameter shall be considered as a delivery of undersized prunes.

Dated: October 4, 1971.

FLOYD F. HEDLUND,  
Director, Fruit and Vegetable  
Division, Consumer and Marketing Service.

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[ 7 CFR Parts 1007, 1060, 1061, 1063, 1064, 1065, 1068, 1069, 1070, 1071, 1073, 1076, 1078, 1079, 1090, 1094, 1096, 1097, 1098, 1102, 1103, 1104, 1106, 1108, 1120, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1138 ]

[Docket Nos. AO-366-A8, etc.]

## MILK IN THE GEORGIA AND CERTAIN OTHER MARKETING AREAS

### Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

7 CFR Part	Marketing area	Docket No.
1007	Georgia	AO-366-A8
1060	Minnesota-North Dakota	AO-369-A6
1061	Southeastern Minnesota-Northwestern Iowa	AO-367-A6
1063	Quad Cities-Dubuque	AO-105-A35
1064	Greater Kansas City	AO-22-A42
1065	Nebraska-Western Iowa	AO-89-A25
1068	Minneapolis-St. Paul, Minn.	AO-178-A23
1069	Duluth-Superior	AO-153-A19
1070	Cedar Rapids-Iowa City	AO-223-A26
1071	Neosho Valley	AO-227-A28
1073	Wichita, Kans.	AO-173-A28
1076	Eastern South Dakota	AO-260-A17
1078	North Central Iowa	AO-272-A20
1079	Des Moines, Iowa	AO-295-A24
1090	Chattanooga, Tenn.	AO-266-A15
1094	New Orleans, La.	AO-103-A33
1096	Northern Louisiana	AO-257-A20
1097	Memphis, Tenn.	AO-219-A25
1098	Nashville, Tenn.	AO-184-A31
1102	Fort Smith, Ark.	AO-237-A20
1103	Mississippi	AO-346-A14
1104	Red River Valley	AO-238-A19
1106	Oklahoma Metropolitan	AO-210-A31
1108	Central Arkansas	AO-243-A22
1120	Lubbock-Plainview, Tex.	AO-328-A13
1126	North Texas	AO-231-A37
1127	San Antonio, Tex.	AO-232-A23
1128	Central West Texas	AO-233-A23
1129	Austin-Waco, Tex.	AO-256-A19
1130	Corpus Christi, Tex.	AO-259-A23
1131	Central Arizona	AO-271-A15
1132	Texas Panhandle	AO-262-A22
1138	Rio Grande Valley	AO-335-A18

Notice is hereby given of a public hearing to be held at the following times and places with respect to proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the aforesaid marketing areas:

**Session 1.** October 18, 1971, beginning at 10 a.m., local time, at the Executive Park Motor Hotel, 1447 Northeast Expressway, Atlanta, Ga.

**Session 2.** November 9, 1971, beginning at 10 a.m., local time, at the Executive Inn, 3232 West Mockingbird Lane, Dallas, Tex.

**Session 3.** November 16, 1971, beginning at 10 a.m., local time, at the Thunderbird Motel, 2201 East 78th Street, Bloomington, Minn.

The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

The purpose of the hearing is to receive evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative

marketing agreements and to the orders. Such evidence shall include that which is relative and material to the general subject of milk classification, including interhandler movements, allocation of receipts to utilization, inventory, shrinkage, reporting and accounting for the components of milk and milk products, and any changes in class prices and butterfat differentials as may be necessitated by revisions in the present classification of milk.

Each of the announced hearing sessions shall be a part of the same hearing, for which there shall be a single record. Evidence relating to any of the proposals listed in this notice and to any of the aforesaid orders may be presented at any of the hearing sessions.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Associated Milk Producers, Inc.; Atlanta Dairies Cooperative, Inc.; Cass-Clay Creamery, Inc.; Dairymen, Inc.; Farmers Cooperative Creamery Association; Land O'Lakes, Inc.; Meadow Land Dairy Association; Mid-America Dairymen, Inc.; Mississippi Valley Milk Producers Association; North Iowa Co-Operative Milk Marketing Association; North Louisiana Pure Milk Association; Prairie Farms Dairy, Inc.; and United Dairymen of Arizona:

**Proposal No. 1.** Incorporate in each order a uniform definition "fluid milk product" as follows: "Fluid milk product" means any product containing 6.5 percent or more of milk solids (other than sodium caseinate) with less than 9 percent butterfat (6 percent butterfat in the case of eggnog and eggnog-flavored milk drinks) and 27 percent milk solids-not-fat but more than 20 percent moisture, all computed on the basis of weight, excluding additives not derived from milk.

**Proposal No. 2.** Incorporate in each order the following classes of utilization:

(a) Class I milk shall be all skim milk (including reconstituted or recombined skim milk) and butterfat:

(1) Disposed of in the form of fluid milk products, except:

(i) Fluid milk products in uses classified as Class II milk or Class III milk.

(ii) Fluid milk products to which nonfat milk solids are added shall be Class I milk in an amount equal to the weight of such finished products.

(2) Used to produce milkshake, milkshake base and other flavored mixes which are not further processed in a commercial establishment.

(3) Used to produce concentrated milk, flavored milk or flavored milk drinks disposed of for fluid consumption.

(4) Disposed of as a fluid product containing less than 6 percent nonmilk fat (or oil).

(5) Not specifically accounted for as Class II milk or Class III milk.

(b) Class II milk shall be all skim milk and butterfat:

(1) Disposed of as cream (sweet or sour), plastic cream, aerated cream, frozen cream and any mixtures of milk, skim milk, or cream containing 9 percent or more of butterfat, anhydrous but-

terfat, and eggnog containing 6 percent or more butterfat.

(2) Used to produce yogurt, cottage cheese, creamed or partially creamed cottage cheese, cheese dips, sour cream, and any sour mixtures of cream and milk or skim milk containing 9 percent or more butterfat.

(3) Used to produce any product containing 6 percent or more nonmilk fat (or oil) that resembles any product specified in subparagraphs (1) and (2) of this paragraph.

(4) Used to produce frozen dessert mixes, including milkshake and milkshake base for further processing in commercial establishments.

(5) In bulk fluid milk products and cream disposed of to any commercial food processing establishment (other than a milk or filled milk plant) at which food products (other than milk products and filled milk) are processed and at which there is no disposition of fluid milk products other than those received in consumer-type packages.

(6) Used to produce evaporated milk, evaporated skim milk, condensed milk and condensed skim milk (sweetened or unsweetened, canned or in bulk), canned liquid diet formulas, and canned liquid formulas for infant feeding.

(7) Used to produce a nonfluid milk product not otherwise specified in Class II or Class III milk.

(c) Class III milk shall be all skim milk and butterfat:

(1) Used to produce dry whole milk, nonfat dry milk, dry whey, dry buttermilk, casein, lactose, and other dried products, including food and feed mixtures containing 20 percent or less moisture.

(2) Used to produce cheese (other than cottage cheese and creamed or partially creamed cottage cheese).

(3) Used to produce butter.

(4) Used to produce condensed whey and buttermilk for animal feed.

(5) In that portion of fortified milk products excluded from Class I milk pursuant to paragraph (a) (1) (ii) of this section.

(6) Provisions dealing with milk dumped by a handler would be treated in the same manner as presently provided in each respective order.

(7) In inventory of fluid milk products and cream products on hand at the end of the month on the premises of a plant or in transit in bulk form.

(8) In shrinkage computed pursuant to present order provisions.

**Proposal No. 3.** Incorporate in each order a butterfat differential to handlers and producers for all classes of milk computed by multiplying the Chicago 92-score butter price for the month as reported by the U.S. Department of Agriculture by 0.115.

**Proposal No. 4.** Amend each order in a manner necessary to exempt, for purposes of classification, pricing, and pooling, any Class II or Class III product received in packages for distribution in the same packages without further processing or converting to another product.

**Proposal No. 5.** Add the following definition to each order: "Canned" means packaged in hermetically sealed rigid all-metal or glass containers in which products are processed before or after sealing as to prevent spoilage and containing no live organisms or spores, being determined by testing after storage at 32° Centigrade and 55° Centigrade for 1 week. (See CFR 21, Chapter 1, Part 18.520 and Standard Methods of Examination of Dairy Products, 12th Edition, 1967, Chapter 8, Page 79.)

**Proposal No. 6.** Amend or provide in each order a definition "other source milk" to include bulk cream and mixtures of milk, skim milk or cream containing 9 percent or more of butterfat (sweet or sour) and frozen cream; and any Class II (pass-through) products dumped or disposed of for animal feed for orders which contain such provisions.

**Proposal No. 7.** Modify the definition of "pool plant" or provisions relied upon for determining pool plant standards under each of the respective orders to use the term "Class I milk products" instead of "fluid milk products".

**Proposal No. 8.** Revise in each order the transfer and allocation provisions to classify as Class III, cream and condensed skim milk which is utilized in a Class III product.

**Proposal No. 9.** Revise in each order the allocation provisions to accommodate three classes of utilization and assign producer milk to the highest utilization.

Proposed by Dairymen, Inc.:

**Proposal No. 10.** For the Nashville and Chattanooga orders, provide that the Class II milk price shall be the basic formula price for the previous month plus 10 cents per hundredweight.

For the Georgia, Mississippi, and New Orleans orders, provide that the Class II milk price shall be the basic formula price for the previous month plus 15 cents per hundredweight.

**Proposal No. 11.** For the Nashville order, provide that the Class III milk price shall be the basic formula price for the month.

For the Chattanooga order, provide that the Class III milk price shall be the basic formula price for the month less 5 cents per hundredweight.

For the Mississippi order, provide that the Class III milk price shall be the basic formula price for the month less 10 cents per hundredweight.

For the Georgia order, provide that the Class III milk price shall be the basic formula price for the month less 15 cents per hundredweight.

For the New Orleans order, provide that the Class III milk price shall be the basic formula price for the month less 10 cents per hundredweight.

Proposed by Associated Milk Producers, Inc.:

**Proposal No. 12.** For the Neosho Valley, Wichita, Memphis, Fort Smith, Red River Valley, Oklahoma Metropolitan, Central Arkansas, Lubbock-Plainview, North Texas, San Antonio, Central West Texas, Austin-Waco and Texas Panhandle orders, provide that the price for Class II milk shall be the Minnesota-

Wisconsin price series plus 15 cents per hundredweight.

For the Corpus Christi and Rio Grande Valley orders, provide that the price for Class II milk shall be the Minnesota-Wisconsin price series plus 20 cents per hundredweight.

**Proposal No. 13.** For all orders listed in Proposal No. 12, provide that the price for Class III milk shall be the higher of the basic formula price for the month or the current price for the lowest utilization in the respective order: *Provided*, That skim milk and butterfat used in the production of butter, nonfat dry milk, and cheddar cheese shall be priced at the lower of the basic formula price for the month or the current price for the lowest utilization in the respective order.

Proposed by Mid-America Dairymen, Inc.:

**Proposal No. 14.** Amend the Minneapolis-St. Paul and Southeastern Minnesota-Northern Iowa orders to provide specific methods for regulating the dairy ingredients of filled milk by incorporating amended order language identical with that of 62 Federal order markets amended January 1, 1970 (34 F.R. 18603).

**Proposal No. 15.** For the Minnesota-North Dakota, Southeastern Minnesota-Northern Iowa, Quad Cities-Dubuque, Minneapolis-St. Paul, Cedar Rapids, North Central Iowa and Des Moines orders: *Provided*, That the minimum price for Class II milk shall be the basic formula price for the month plus 10 cents per hundredweight.

For the Kansas City, Nebraska-Western Iowa and Neosho Valley orders provide that the minimum price for Class II milk shall be the basic formula price for the month plus 15 cents per hundredweight.

**Proposal No. 16.** For the Minnesota-North Dakota, Southeastern Minnesota-Northern Iowa, Quad Cities-Dubuque, Kansas City, Nebraska-Western Iowa, Minneapolis-St. Paul, Cedar Rapids-Iowa City, Neosho Valley, North Central Iowa and Des Moines orders provide that the minimum price for Class III milk shall be the basic formula price for the month.

Proposed by Land O'Lakes, Inc.; Lake to Lake Dairy Cooperative; Wisconsin Dairies Cooperative; Outagamie Producers Cooperative; and Cass-Clay Cooperative Creamery, Inc.:

**Proposal No. 17.** Provide in each order that the price per hundredweight for Class III milk shall be computed as follows:

(a) Multiply by 4.2 the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago, as reported by the Department for the current month;

(b) Multiply by 8.2 the weighted average of carlot prices per pound of nonfat dry milk spray process for human consumption f.o.b. manufacturing plants in the Chicago area as published by the Department for the period from the

26th day of the immediately preceding month through the 25th day of the current month;

(c) From the results arrived at under paragraphs (a) and (b), subtract 65 cents and round to the nearest cent.

**Proposal No. 18.** For the Minnesota-North Dakota, Southeastern Minnesota-Northern Iowa, Quad Cities-Dubuque, Kansas City, Nebraska-Western Iowa, Minneapolis-St. Paul, Duluth-Superior, Cedar Rapids-Iowa City, Eastern South Dakota, North Central Iowa and Des Moines orders, provide that the minimum price for Class II milk shall be the basic formula price for the month plus 10 cents.

**Proposal No. 19.** Delete from each order containing such provisions those provisions establishing mileage limitations on transfer of milk to nonpool plants.

Proposed by Milk Industry Foundation and International Association of Ice Cream Manufacturers:

**Proposal No. 20.** Provide in each order a uniform definition of fluid milk products as follows:

"Fluid milk product" means the following products or mixtures in either fluid or frozen form, including such products or mixtures that are flavored, cultured, modified (with added nonfat milk solids), concentrated or reconstituted, provided such products contain 6 percent or more of milk solids (not including sodium caseinate): Milk, skim milk, low-fat milk, milk drinks, buttermilk, and mixtures of cream and milk or skim milk containing less than 9 percent butterfat.

The term "fluid milk product" shall not include such products as yogurt, egg-nog, frozen desserts, milkshake mixes or bases containing 20 percent or more total solids, dietary products and infant formulas in hermetically sealed containers, and evaporated milk products or condensed milk products in plain or sweetened form.

**Proposal No. 21.** Provide in each order for the following Class I utilization:

(a) Class I milk shall be all skim milk (including reconstituted or recombined skim milk not including sodium caseinate) and butterfat:

(1) Used in fluid milk products, except any such product fortified with added nonfat milk solids shall be Class I in an amount equal only to the weight of an equal volume of a like unmodified product of the same butterfat content.

(2) Not specifically accounted for as Class II milk, or if three classes are established, not specifically accounted for as either Class II or Class III milk.

**Proposal No. 22.** If only two classes are to be established, provide in each order that skim milk and butterfat used in all other milk products not included in Class I be included in Class II.

**Proposal No. 23.** If three classes are to be established, provide in each order for the following products among others to be included in Class II and Class III: (The products listed below are only a partial listing and are only those which are produced primarily by the members of the Milk Industry Foundation and the



International Association of Ice Cream Manufacturers. The MIF and the IAICM do not want to propose classification for other products manufactured and processed by firms represented by other trade associations with particular interest in those products.)

(a) Class II milk shall include butterfat and skim milk used in:

(1) Yogurt, eggnog, creamed cottage cheese, lowfat or partially creamed cottage cheese and cottage cheese curd.

(2) Cream (including aerated or sterilized) and any mixtures of cream and milk or skim milk containing 9 percent or more butterfat.

(b) Class III milk shall include butterfat and skim milk:

(1) Used in frozen cream and milkshake mixes or bases containing 20 percent or more total solids, frozen desserts, frozen dessert mixes and any other milk products for use as an ingredient for frozen desserts.

(2) Used in sour cream and sour cream mixtures (such as dips and dressings) and puddings.

(3) Used in a fluid milk product delivered in bulk to commercial food product manufacturing plants (other than dairy plants) at which products are processed, and at which establishment there is no disposition of fluid milk products other than those received in consumer packages for consumption on the premises.

(4) Used in fluid milk products which have been fortified with nonfat milk solids which were excepted from Class I milk under Proposal No. 21.

(5) In each pool plant's shrinkage, including the allocation of plant shrinkage to solids used in fortifying fluid milk products.

(6) In inventory of fluid milk products on hand at the end of the month on the premises of a plant or in transit in bulk form.

(7) Used in products containing less than 6 percent milk solids.

**Proposal No. 24.** Provide in each order for the lowest use classification to apply to all fluid milk products disposed of for animal feed, or dumped by a handler after notification to and opportunity for verification by the market administrator.

**Proposal No. 25.** Amend each order in a manner necessary to exempt, for purposes of classification, pricing and pooling, any Class II or Class III product received in packages for distribution in the same packages without further processing or converting to another product.

**Proposal No. 26.** If three classes are to be established, provide in each order a price for Class II milk to read as follows: The Class II price shall be the Class III price plus not more than 10 cents.

**Proposal No. 27.** Provide in each order for the announcement of Class II or Class III prices (if three classes are to be established) in advance of the date on which they become effective.

**Proposed by National Cheese Institute, Inc.:**

**Proposal No. 28.** Provide under each order that milk used to produce any and all natural cheese (except cottage cheese, creamed cottage cheese, lowfat or partially creamed cottage cheese and cot-

tage cheese curd) shall be classified in the lowest class established.

**Proposed by Sealtest Foods, Division of Kraftco Corp.:**

**Proposal No. 29.** Revise the orders under consideration for amendment by providing that the basic pricing factor for pricing Class II milk in the two-classification system, or for pricing Class II milk and Class III milk in a three-classification system, is the currently effective manufacturing milk support price, announced by the U.S. Secretary of Agriculture pursuant to section 201(c) of the Agricultural Marketing Agreement Act of 1949, as amended (7 U.S.C. 1446), adjusted to 3.5 percent butterfat basis by the application of a butterfat differential factor equal to the Chicago 92-score butter price multiplied by 0.12.

**Proposed by Plains Creamery, Inc.:**

**Proposal No. 30.** Amend the Texas Panhandle order by adding a new paragraph (f) in § 1132.44 to read as follows:

(f) As Class II milk if transferred to a nonpool plant in the form of cream if the handler establishes that such cream was transferred without Grade A certification, that each container was labeled or tagged to indicate that the contents were ungraded products suitable for manufacturing use only, and that the shipment was so invoiced.

Make such changes in § 1132.44(c) and (d) as may be necessary to recognize the addition of the new paragraph (f).

**Proposal No. 31.** Amend the Texas Panhandle order to provide for the following Class II price:

**Class II price.** The Class II price shall be the average price for milk for manufacturing purposes, f.o.b. plants, United States, as reported by the Department on a preliminary basis for the month, adjusted to 3.5 percent butterfat by the Class II butterfat differential: *Provided*, That during the months March through August of each year the price for milk, skim milk and cream used in the manufacture of American cheese, butter and nonfat dry milk shall be 10 cents less, subject to the following limitations:

(1) For the purpose of computing the Class II price credit, the volume of milk used in a pool plant for the manufacture of American cheese, butter, and nonfat dry milk shall be reduced by the volume of milk received from other handlers under this order or any other order, on which a similar price credit has been allowed.

(2) Milk used in the manufacture of American cheese, butter and nonfat dry milk within a nonpool plant which has received milk from a handler(s) regulated under this order or any other order which permits a similar price credit, shall be prorated among such handlers, for the purpose of determining the amount of price credit to be allowed such handlers.

**Proposed by Marigold Foods, Inc.:**

**Proposal No. 32.** Amend § 1061.7 of the Southeastern Minnesota-Northern Iowa order to read as follows:

"Fluid milk product" means milk, skim milk (including reconstituted skim milk), concentrated milk, buttermilk, flavored milk, flavored milk drinks (except any

such item disposed of as animal feed and sterilized milk, cream or milk drinks in metal containers hermetically sealed), cream (sweet or sour, including "smetana" and similar sour cream products and mixtures of cream and milk or skim milk containing less butterfat than the legal standard for cream): *Provided*, That when nonfat milk solids are added for "Fortification" the amount of skim milk to be included within this definition shall be only that amount equal to the weight of skim milk in an equal volume of an unmodified product of the same nature and butterfat content.

**Proposal No. 33.** Amend § 1061.41(a) and (b) (1) through (5) of the Southeastern Minnesota-Northern Iowa order to read as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid milk product except as provided in paragraph (b) (3) and (4) of this section.

(2) Not accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be:

(1) Skim milk and butterfat used to produce a milk product other than those specified in paragraph (a) of this section;

(2) Skim milk and butterfat stored in a public cold storage warehouse as frozen cream;

(3) Skim milk and butterfat contained in any item included under paragraph (a) of this section disposed of as animal feed;

(4) Skim milk represented by the nonfat milk solids added to a fluid milk product which is in excess of the weight of an equivalent volume of the fluid milk products prior to such additions; and

**Proposal No. 34.** In § 1061.41(b) of the Southeastern Minnesota-Northern Iowa order, renumber subparagraphs (6), (7), and (8) as (5), (6), and (7), respectively.

**Proposed by Oak Grove Dairy:**

Proposals 35 through 39 relate only to the Minneapolis-St. Paul and Southeastern Minnesota-Northern Iowa orders.

**Proposal No. 35.** Amend the provisions of sections 41 through 46 of each order so as to provide for three classifications of utilization rather than the present two classifications provided by section 41 so that most of the products now in Class II under said orders would be redesignated as Class III products. A new intermediate class (Class II) would be established to include cottage cheese and yogurt, which are now in Class II, and cream and half-and-half which are now in Class I.

**Proposal No. 36.** Provide that the classification of milk in a particular class under each order no longer would be contingent on whether the final product is sterilized or unsterilized as at present.

**Proposal No. 37.** Provide that the class price for the new intermediate class under each order would be the present basic formula price plus 20 cents per hundredweight.

**Proposal No. 38.** Provide for a single butterfat differential for adjusting all class prices and the uniform price based



on the average Chicago butter price times 0.115.

**Proposal No. 39.** Make such additional changes or revisions in language now appearing in the pertinent provisions of each order so as to conform to and be consistent with the foregoing proposals.

Proposed by the Dairy Division, Consumer and Marketing Service:

**Proposal No. 40.** Make whatever changes are necessary in each order to eliminate the possibility of a handler being charged under the order at the Class I price for milk that already has been classified and priced as Class I milk under a Federal order.

**Proposal No. 41.** Make whatever changes are necessary in each order to provide that the Class I price for other source milk, when adjusted for location of the shipping plant, shall not be less than the class price for the lowest-priced class.

**Proposal No. 42.** Make whatever changes are necessary in each order to provide for a uniform "equivalent price" section to read as follows: \$----- Equivalent price.

If for any reason a price or pricing component required by this part for computing class prices or for other purposes is not available in the manner described in this part, the market administrator shall use a price or pricing component determined by the Secretary to be equivalent to the price or pricing component that is required.

**Proposal No. 43.** Make such changes as may be necessary to make the entire marketing agreements and the orders conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrators for the respective orders, or from the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, or may be there inspected.

Signed at Washington, D.C. on October 4, 1971.

JOHN C. BLUM,  
Deputy Administrator,  
Regulatory Programs.

[FR Doc.71-14775 Filed 10-7-71;8:49 am]

## Rural Electrification Administration [ 7 CFR Part 1701 ]

### CONSTRUCTION OF UNDERGROUND ELECTRIC DISTRIBUTION PLANT

#### Specifications and Drawings

Notice is hereby given that, pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA proposes to issue a supplement to REA Bulletin 40-8, to provide for a revision of REA Form 806, Specifications and Drawings for Underground Electric Distribution.

Persons interested in the revised specifications and drawings may submit written data, views, or comments to the Director, Power Supply, Management

and Engineering Standards Division, Room 3313, South Building, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 30 days from the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Director, Power Supply, Management and Engineering Standards Division during regular business hours.

A copy of the proposed revision of REA Form 806 may be secured in person or by written request from the Director, Power Supply, Management and Engineering Standards Division.

The text of the proposed supplement to REA Bulletin 40-8 explaining and summarizing the proposed revisions in this specification is as follows:

#### SUPPLEMENT TO REA BULLETIN 40-8

Subject: Revised Construction Specifications and Drawings for Underground Electric Distribution

**I. Purpose.** This supplement announces the revision of REA Form 806 (12-71), Specifications and Drawings for Underground Electric Distribution. The new specification replaces the April 1970 edition.

**II. Principal Changes in the Revised Form 806.** A. This revision provides for the use of newly available equipment and incorporates changes for improved safety and efficiency in the construction and operation of underground rural systems.

B. The important changes in the written specifications include:

1. A requirement for the covering of the concentric neutral within transformer vaults to minimize corrosion of the transformer tank.

2. A requirement that all secondary phase terminals be completely insulated.

3. An anode installation test for direct-buried transformers.

C. New or modified drawings incorporated in the revised specifications show:

1. The use of dead front enclosures with pole type transformers.

2. Single and three phase dead front sectionalizing in pad-mounted enclosures.

3. A direct-buried transformer assembly.

4. A revised pole-mounted transformer assembly for improved safety.

5. New warning and danger sign drawings.

6. A guide for selecting multipoint terminations.

7. The use of the wye-wye connection only for three-phase pad-mounted transformer assemblies.

8. The use of a dead front enclosure for sectionalizing and for housing a pole-type transformer.

**III. Availability of Revised REA Form 806 from U.S. Government Printing Office.** Copies of this revised form may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, at a price of \$0.50 each, using REA Form 33 under the revised procedure for obtaining con-

tract forms. (See file With REA Bulletin 80-8 letter dated September 23, 1969.)

Dated: October 5, 1971.

JAMES N. MYERS,  
Assistant Administrator—Electric.

[FR Doc.71-14225 Filed 10-7-71;8:50 am]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[ 42 CFR Part 78 ]

### DIAGNOSTIC X-RAY SYSTEMS AND THEIR MAJOR COMPONENTS

#### Proposed Performance Standard

Pursuant to provisions of the Public Health Service Act, as amended by the Radiation Control for Health and Safety Act of 1968, and under authority vested in him, the Commissioner of Food and Drugs proposes to amend Subpart C of Part 78 (42 CFR Part 78) by prescribing a performance standard applicable to the emission of X radiation from diagnostic X-ray systems for use on humans and to the following components which comprise such systems: Tube housing assemblies, X-ray controls, X-ray high-voltage generators, fluoroscopic imaging assemblies, tables, cradles, film changers, cassette holders, and beam-limiting devices.

The need for this standard is based upon the consideration that the diagnostic use of X-ray equipment is the largest manmade source of radiation exposure of the population. The beneficial applications of this radiation in the healing arts are well recognized. However, it has been determined that improvements in this equipment, to be obtained by means of the proposed performance standard, would help to further minimize X-radiation exposure and are necessary to protect the public health and safety.

These requirements have been developed in cooperation with manufacturers of X-ray components, assemblers of X-ray systems, user groups, and radiation protection specialists of other governmental agencies. In developing the standard, the Department also has consulted the Technical Electronic Product Radiation Safety Standards Committee, which consists of five representatives from governmental agencies, five from industry, and five representing the general public, including labor.

Careful consideration has been given to currently recognized national and international radiation protection guidelines, as well as State regulations, and to the latest available scientific and medical data with respect to electronic product radiation. In addition to considering the reasonableness and technical feasibility of the requirements as applied to the X-ray system and specific components, consideration has been given to the need for uniformity and reliability of compliance testing procedures and

with respect to the requirements for components, to the performance of the component in the X-ray system for which it was designed.

The diagnostic X-ray system is quite different from the electronic products which the Department has regulated to date. What is commonly referred to as an "X-ray machine" has been treated in the standard as a combination of separately manufactured components which are to be assembled into an integrated system. The nature of this X-ray system and of its manufacture presents a somewhat unique situation. Because of the variety of components which may be selected for the assembly of a system, the practice of combining components from more than one manufacturer, and the influence of the components on the radiation properties of the system, it is necessary to establish requirements applicable to the components as well as to the complete system. Accordingly, the standard would impose specific responsibilities on any person engaged in the business of manufacturing major components of an X-ray system (manufacturer). Also, it would establish certain requirements for any person engaged in the business of assembling specified components to form an X-ray system or replacing or installing such components in an existing system (assembler). In accordance with section 355(3) of the Public Health Service Act, as amended by the Radiation Control for Health and Safety Act of 1968, any person engaged in such a business is a manufacturer.

The provisions of this standard would be applicable as specified to components manufactured 1 year after the date of final publication of the standard, and to diagnostic X-ray systems which incorporate one or more of such components; however, such X-ray systems would be required to comply only with those provisions which relate to installed components which are themselves subject to the standard.

Section 78.213-1 (42 CFR 78.213-1) contains general requirements applicable to both radiographic and fluoroscopic systems and to their respective components as specified. This section would require manufacturers to provide with their products information needed to protect against unique radiation hazards or exposure situations associated with the use of the product, but assumes that users of the equipment are qualified as to the basic principles of radiation protection. Manufacturers also would be required to provide adequate instructions and related data to aid in the proper assembly, use, and maintenance of the system and components.

Provisions which define the respective certification and identification responsibilities of the manufacturer of specified components, and the assembler of an X-ray system or subsystem from the components, have been included in § 78.213-1(c) through § 78.213-1(f) of the standard. These provisions are designed to assure that the final assembly will meet the requirements of the standard.

Provisions for variances in § 78.213-1 (i) have been included in order that the other provisions of §§ 78.213-1, 78.213-2, and 78.213-3 would not inhibit manufacturing innovations intended to provide technical advantages. The variance criteria of § 78.213-1(i) would also allow for unique designs needed for special clinical procedures, or for designs which permit alternate means for providing protection at least equal to that of equipment meeting the provisions of the standard.

In § 78.213-1(k), the leakage radiation from a diagnostic source assembly (tube housing assembly and beam-limiting device) at a distance of 1 meter from the source is limited to a rate of 100 milliroentgens in 1 hour under maximum operating parameters. This leakage rate limit is in substantial accord with national and international radiation protection guides. It is considered to be an appropriate limit in view of the small exposures from leakage radiation relative to other sources of X radiation to which the patient and operator are exposed during a diagnostic examination, and to the fact that it is based upon maximum, rather than normal, operating parameters.

In § 78.213-1(m), requirements would be prescribed for the quality of the beam. These requirements are essentially in accord with current national radiation recommendations, and many State regulations, and are normally met by the addition of appropriate amounts of aluminum filtration.

Section 78.213-2 (42 CFR 78.213-2) contains those significant radiation performance requirements applicable to radiographic X-ray equipment (and specified components). Sections 78.213-2(b) and 78.213-2(c) have been included so that the output of the X-ray equipment will be sufficiently reproducible and consistent to enable the user to establish optimum and reliable technique factors and minimize the need for retakes. Section 78.213-2(b) would require that X-ray equipment meet certain limits of reproducibility, i.e., under a given set of operating conditions the X-ray output in a series of exposures shall be within a prescribed limit of variation; and, when technique factors are variable, § 78.213-2(c) would require that the equipment meet prescribed linearity limits, i.e., under varying conditions of operation the variation of the X-ray output shall, within prescribed limits, be proportional to the conditions of operation. Although comparable reproducibility and linearity requirements have not previously been stated in national and international recommendations, the need for such requirements has been supported by many users and by representatives of other radiation protection agencies. It has been established through data supplied by manufacturers and from independent studies that the proposed limits are technically feasible.

Sections 78.213-2(d) through 78.213-2(g) would require that radiographic equipment be provided with a means of limiting the useful beam to the size of

the image receptor (as defined). These requirements, while in substantial agreement with the basic intent of national and international recommendations, include additional considerations and certain major innovations. One feature contained in § 78.213-2(e)(2) would specify that stationary equipment capable of use under varying conditions of film size or source-to-film distance have "positive" beam limitation, regardless of the source-to-film distance or image receptor size used. Positive beam limitation may be either by automatic adjustment of the X-ray field to the image receptor size or by means which prevent X-ray production until the aperture is manually adjusted to provide a beam which corresponds to the size of the image receptor. This requirement is based upon recent technical improvements which have been demonstrated in some X-ray equipment, and also upon the nationwide findings that improper beam limitation is one of the major causes of unnecessary exposure from X-ray equipment used in the healing arts.

Section 78.213-3 (42 CFR 78.213-3) would apply to fluoroscopic X-ray equipment including those which record images through an image intensifier. It would establish a limit of 5 roentgens per minute on the exposure rate at the position where the X-ray beam enters the patient. This limit may be exceeded only if the equipment has a high level control with special means for activation, and an audible signal during operation of such control. This section would also provide limits on the radiation transmitted through the primary barrier of the fluoroscope, such as the fluorescent viewing device. These and other provisions included are not inconsistent with current recommendations of national and international guides and State regulations.

The provisions of this standard would apply to specified components manufactured 1 year or more after the date of final publication of the standard in the FEDERAL REGISTER, and to diagnostic X-ray systems incorporating these components.

Therefore, the Commissioner of Food and Drugs, pursuant to the Public Health Service Act, as amended by the Radiation Control for Health and Safety Act of 1968 (sec. 358, 82 Stat. 1177-1179; 42 U.S.C. 263f) and under authority delegated to him in a notice published in the FEDERAL REGISTER of July 7, 1971 (36 F.R. 12803), proposes to amend Part 78, Subpart C, by adding the following new sections:

**§ 78.213-1 Diagnostic X-ray equipment; general requirements.**

(a) *Applicability.* The provisions of §§ 78.213-1, 78.213-2, and 78.213-3 are applicable as specified herein to:

(1) The following components of diagnostic X-ray systems which are manufactured on or after (1 year after date of final publication in the FEDERAL REGISTER): Tube housing assemblies, X-ray controls, X-ray high-voltage generators, fluoroscopic imaging assemblies, tables,

cradles, film changers, cassette holders, and beam-limiting devices; and

(2) Diagnostic X-ray systems incorporating one or more of such components.

(b) *Definitions.* As used in §§ 78.213-1, 78.213-2, and 78.213-3, the following definitions apply:

(1) "Aluminum equivalent" means the thickness of aluminum (type 1100 alloy)<sup>1</sup> affording the same attenuation, under specified conditions, as the material in question.

(2) "Assembler" means any person engaged in the business of assembling, replacing, or installing one or more components into an X-ray system or subsystem.

(3) "Attenuation block" means a block or stack of sheets of type 1100 aluminum alloy having dimensions 20 cm. by 20 cm. by 3.8 cm.

(4) "Automatic exposure timer" means a device which terminates the production of X-rays when a preselected quantity of radiation has been delivered.

(5) "Beam axis" means a line from the source through the centers of the X-ray fields.

(6) "Beam-limiting device" means a device which provides a means to restrict the dimensions of the X-ray field.

(7) "Coefficient of variation" means the ratio of the standard deviation to the mean value of a population of observations. It is estimated using the following equation:

$$C = \frac{s}{\bar{X}} = \frac{1}{\bar{X}} \left[ \frac{\sum_{i=1}^n (X_i - \bar{X})^2}{n-1} \right]^{1/2}$$

where

$s$  = Estimated standard deviation of the population.

$\bar{X}$  = Mean value of observations sampled.

$X_i$  =  $i$ th observation sampled.

$n$  = Number of observations sampled.

(8) "Cooling curve" means the graphical relationship between heat units stored and cooling time.

(9) "Diagnostic source assembly" means the tube housing assembly with a beam-limiting device attached.

(10) "Diagnostic X-ray system" means an X-ray system designed for irradiation of any part of the human body for the purpose of diagnosis or visualization.

(11) "Equipment" means X-ray equipment.

(12) "Fluoroscopic imaging assembly" means a component which comprises a reception system for X-ray photons and converts them to a fluoroscopic image. It includes equipment housings, electrical interlocks if any, and structural material providing linkage between the image receptor and the diagnostic source assembly.

(13) "General purpose radiographic X-ray system" means any radiographic X-ray system which, by design, is not limited to radiographic examination of specific anatomical regions.

<sup>1</sup>The nominal chemical composition of type 1100 aluminum alloy is 99.00 percent minimum aluminum, 0.12 percent copper. "Aluminum Standards and Data," The Aluminum Association, New York, N.Y. (1969).

(14) "Half-value layer (HVL)" means the thickness of a specified substance which, when introduced into the path of a given beam of radiation, reduces the exposure rate by one-half as measured under geometric conditions which minimize the contribution of radiation scattered from the attenuating material.

(15) "Image receptor" means any device, such as a fluorescent screen or radiographic film which transforms incident X-ray photons either into a visible image or into another form which can be made into a visible image by further transformations.

(16) "Leakage radiation" means radiation emanating from the diagnostic source assembly except for:

(i) The useful beam and

(ii) Radiation produced when the exposure switch or timer is not activated.

(17) "Leakage technique factors" means the technique factors associated with the tube housing assembly which are used in measuring leakage radiation. They are defined as follows:

(i) For capacitor energy storage equipment, the maximum rated number of exposures per hour for continuous operation at the maximum rated peak tube potential with the quantity of charge per exposure being 10 millicoulombs (mAs) or the minimum obtainable from the unit, whichever is larger.

(ii) For pulsed equipment not rated for steady-state operation, the maximum rated number of X-ray pulses per hour for continuous operation at the maximum rated peak tube potential.

(iii) For all other equipment, the maximum rated continuous tube current for the maximum rated peak tube potential.

(18) "Light field" means that portion of the intersection of the light beam from the beam-limiting device and one of the set of planes parallel to and including the plane of the image receptor, whose perimeter is the locus of points at which the illumination is one-fourth of the average. The average illumination is obtained from readings made at the approximate center of each quadrant of the light field.

(19) "Line-voltage regulation" means the difference between the no-load and the full-load line voltages expressed as a percent of the full-load line voltages; that is,

$$\text{Percent line-voltage regulation} = \frac{100(V_n - V_f)/V_f}{}$$

where

$V_n$  = No-load line voltage and

$V_f$  = Full-load line voltage.

(20) "Maximum line current" means the rms current in the supply line of an X-ray machine operating at its maximum rating based on a stated operating interval that does not exceed 5 seconds.

(21) "Peak tube potential" means the maximum value of the potential difference across the X-ray tube during an exposure.

(22) "Primary protective barrier" means the material, excluding filters, placed in the useful beam to reduce the radiation exposure for protection purposes.

(23) "Pulsed X-ray system" means a system in which the exposure duration

is controlled by presetting the number of pulses rather than the exposure time.

(24) "Rated line voltage" means the voltage or range of voltages of the supply line specified by the manufacturer at which the X-ray machine is designed to operate.

(25) "Rating" means the operating limits specified by the manufacturer.

(26) "Recording" means producing a permanent form of an image resulting from X-ray photons (e.g., film, video tape).

(27) "Source" means the focal spot of the X-ray tube.

(28) "Source-image receptor distance (SID)" means the distance from the source to the center of the input surface of the image receptor.

(29) "Stationary equipment" means equipment which is installed in a fixed location.

(30) "Technique factors" means the conditions of operation. They are specified as follows:

(i) For capacitor energy storage equipment, peak tube potential in kV and quantity of charge in mAs.

(ii) For pulsed equipment not rated for steady-state operation, peak tube potential in kV and number of X-ray pulses.

(iii) For all other equipment, peak tube potential in kV and either tube current in mA and exposure time in seconds, or the product of tube current and exposure time in mAs.

(31) "Tube" means an X-ray tube, unless otherwise specified.

(32) "Tube housing assembly" means the tube housing with tube installed. It includes high-voltage and/or filament transformers and other appropriate elements when they are contained within the tube housing.

(33) "Tube rating chart" means the set of curves which specify the rated limits of operation of the tube in terms of the technique factors.

(34) "Useful beam" means the radiation which passes through the tube housing port and the aperture of the beam-limiting device when the exposure switch or timer is activated.

(35) "Variable-aperture beam-limiting device" means a beam-limiting device which provides the capability to continuously vary the X-ray field at a given SID.

(36) "Visible area" means that portion of the input surface of the image receptor over which incident X-ray photons are converted to a visible image.

(37) "X-ray control" means a device which controls input power to the X-ray high-voltage generator. It includes equipment which controls the technique factors of an X-ray exposure.

(38) "X-ray equipment" means an X-ray system, subsystem, or component thereof.

(39) "X-ray field" means that portion of the intersection of the useful beam and any one of the set of planes parallel to and including the plane of the image receptor, whose perimeter is the locus of points at which the exposure rate is one-tenth of that at the approximate center.

(40) "X-ray high-voltage generator" means a device which transforms electrical energy from the voltage supplied by the X-ray control to the tube operating voltage. The device may also contain means for transforming alternating current to direct current, filament transformers for the X-ray tube(s), high-voltage switches, electrical protective devices, and other appropriate elements.

(41) "X-ray system" means an assemblage of components for the controlled production of X-rays. It includes minimally an X-ray high-voltage generator, an X-ray control, a tube housing assembly, a beam-limiting device, and the necessary supporting structures. Additional components which function with the system are considered integral parts of the system.

(42) "X-ray subsystem" means any combination of two or more components of an X-ray system for which there are requirements specified in this section.

(43) "X-ray tube" means any electron tube which is designed for the conversion of electrical energy into X-ray energy.

(c) *Certification of components.* Each component subject to §§ 78.213-1, 78.213-2, and 78.213-3 shall be certified by the manufacturer thereof as a product which meets all applicable standards in accordance with the provisions of § 78.201. Certification that the product conforms to all applicable standards under this subpart shall be construed to mean that the component can meet the applicable provisions of §§ 78.213-1, 78.213-2, and 78.213-3 if installed in a diagnostic X-ray system in accordance with instructions.

(d) *Certification by assembler.* The assembler of an X-ray system or subsystem containing one or more certified components, or an assembler who replaces or installs one or more certified components into an X-ray system or subsystem, shall file a report containing information with respect to such certified components as he assembles or installs as specified below. Such report shall be on a form prescribed by, and may be obtained from the Director, Bureau of Radiological Health, Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852. Copies of the completed report shall be submitted to the purchaser and to the Director, Bureau of Radiological Health. This report shall be construed as the manufacturer's certification and identification under §§ 78.201 and 78.202. This report entitled "Report of Assembly of a Diagnostic X-ray System or Subsystem" shall contain the following:

(1) The full name and address of the assembler, and the date of assembly or installation.

(2) A list of all certified components which he assembles or installs in the system or subsystem identifying them by type of product, manufacturer, model number, and serial number.

(3) A statement that the certified components in the X-ray system or subsystem were installed by him according to the instructions provided by the manufacturer(s) of such components; or if, due to the incompatibility of any certified component installed with uncertified

components of the X-ray system, the assembler is unable to follow the installation instructions of any certified component manufacturer, the report shall so state, and the provisions of § 78.213-1(f) (2) relating to the assembler's responsibility for the system or subsystem shall not apply.

(4) The name and address of the purchaser and the location of use of the X-ray system or subsystem.

(5) An affirmation that all instruction manuals and other information as required by § 78.213-1(h) and applicable to the newly installed X-ray equipment have been delivered to the purchaser.

(6) An affirmation that all certified components installed in the X-ray system or subsystem were of the type called for by the standard.

(e) *Identification of X-ray components.* In addition to the identification requirements specified in § 78.202, manufacturers of components subject to §§ 78.213-1, 78.213-2, and 78.213-3, except high-voltage generators contained within tube housings, and beam-limiting devices which are integral parts of tube housings, shall permanently inscribe or affix thereon the model number and serial number of the product, so as to be legible and accessible to view.

(1) *Tube housing assemblies.* In a similar manner, manufacturers of tube housing assemblies shall also inscribe or affix thereon the name of the manufacturer, model number, and serial number of the X-ray tube which the tube housing assembly incorporates.

(2) *Replacement of tubes.* The replacement of an X-ray tube in a previously manufactured tube housing assembly shall constitute manufacture of a new tube housing assembly and the manufacturer shall be subject to the provisions of § 78.213-1(e) (1). The manufacturer shall remove, cover, or deface any previously affixed inscriptions, tags or labels which are no longer applicable.

(f) *Limits of responsibility.*—(1) *Manufacturer.* The manufacturer of a certified component installed or assembled into an X-ray system or subsystem by another person shall not be liable for the noncompliance of such component which is attributable solely to the improper installation or assembly of the component into the system, unless the improper assembly was a result of inadequate instructions provided by such component manufacturer.

(2) *Assembler.* The person who certified as to the assembly of an X-ray system or subsystem shall not be liable for noncompliance of a certified component if such assembly is in accordance with the instructions provided by the manufacturer of the component, but shall be held responsible for noncompliance of a component which is attributable solely to improper assembly or installation into the system or subsystem.

(g) *Information to be provided to assemblers.* Manufacturers of components listed in § 78.213-1(a) shall provide to assemblers subject to § 78.213-1(d) instructions for assembly, installation, adjustment, and testing of such compo-

nents adequate to assure that the products will comply with applicable provisions of this section when assembled, installed, adjusted, and tested as directed. Such instructions shall include specifications of other components compatible with that to be installed when compliance of the system or subsystem depends on their compatibility. Such specifications may describe pertinent physical characteristics of the components and/or may list by manufacturer model number the components which are compatible.

(h) *Information to be provided to users.* Manufacturers of X-ray equipment shall provide for purchasers and, upon request, for the Secretary manuals or instruction sheets which shall include the following technical and safety information:

(1) *All X-ray equipment.* For X-ray equipment to which this section is applicable, there shall be provided:

(i) Adequate instructions concerning any radiological safety procedures and precautions which may be necessary because of unique features of the equipment and

(ii) A schedule of the maintenance necessary to keep the equipment in compliance with §§ 78.213-1, 78.213-2, and 78.213-3.

(2) *Tube housing assemblies.* For each tube housing assembly, there shall be provided:

(i) Statements of the maximum rated peak tube potential, leakage technique factors and the minimum filtration permanently in the useful beam expressed as millimeters of aluminum equivalent and the peak tube potential at which the aluminum equivalent was obtained;

(ii) Cooling curves for the anode and tube housing; and

(iii) Tube rating charts.

If the tube is designed to operate from different types of X-ray high-voltage generators (such as single-phase self-rectified, single-phase half-wave rectified, single-phase full-wave rectified, three-phase six pulse, three-phase 12 pulse, constant potential, capacitor energy storage) or under modes of operation such as alternate focal spot sizes or speeds of anode rotation which affect its rating, specific identification of the difference in ratings shall be noted.

(3) *X-ray controls and generators.* For the X-ray control and associated X-ray high-voltage generator, there shall be provided:

(i) A statement of the power supply requirements, including the rated line voltage and the range of line-voltage regulation for operation at maximum line current;

(ii) In the case of battery-powered generators, a statement of the charge/use frequency and a description of the means provided by which the operator can determine the state of charge of the battery;

(iii) Generator rating and duty cycle; and

(iv) A statement of the maximum deviation from the indication given by labeled control settings and/or meters

during an exposure when the equipment is connected to a power supply as described in accordance with this paragraph. In the case of fixed technique factors, the maximum deviation from the nominal fixed value of each factor shall be stated.

(4) *Variable-aperture beam-limiting device.* For each variable-aperture beam-limiting device, there shall be provided:

(i) Specifications of tube housing assemblies for which the device is designed or is compatible with respect to the requirements of §§ 78.213-1(k), 78.213-2 (d) and (e);

(ii) Instructions for mounting the device so that it meets applicable requirements of §§ 78.213-1(k), 78.213-2 (d) and (e); and

(iii) A statement including the minimum aluminum equivalent of that part of the device through which the useful beam passes and including the X-ray tube potential at which the aluminum equivalent was obtained. When several filters are provided as part of the device, the statement shall include the aluminum equivalent of each filter.

(i) *Variances.* (1) Upon application by a manufacturer, the Secretary may grant a variance from one or more provisions of §§ 78.213-1, 78.213-2, and 78.213-3 applicable to any diagnostic X-ray system, subsystem, or component which he determines:

(i) Is designed to have identifiable technical advantages and is to be used as a prototype or experimental equipment for clinical evaluation, or

(ii) Is required for obtaining diagnostic information not obtainable with equipment meeting all the requirements of §§ 78.213-1, 78.213-2, and 78.213-3, or

(iii) Utilizes alternate means for providing protection at least equal to that provided by equipment which conforms to §§ 78.213-1, 78.213-2, and 78.213-3.

(2) Applications for variances: Applications for variances shall:

(i) Describe the product and its intended use,

(ii) Explain how compliance with §§ 78.213-1, 78.213-2, and 78.213-3 would inhibit this intended use,

(iii) Describe the manner in which it is proposed to deviate from the requirements of §§ 78.213-1, 78.213-2, and 78.213-3,

(iv) Describe the advantages to be derived from such deviation,

(v) Explain how alternate means of protection will be provided,

(vi) State the number of units the applicant wishes to manufacture and/or for what period of time it is desired that the variance be in effect,

(vii) State, in the case of prototype or experimental equipment, the proposed location of each unit, and

(viii) Be submitted to the Director, Bureau of Radiological Health, Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852.

### (3) Administration of variances:

(i) Written notification will be provided by the Secretary to the manufacturer of the granting or refusal of a variance. Notification of an approved variance will state the number of units for which the variance is approved and/or the termination date of the variance. Variances will be identified by a number and date of issuance.

(ii) A public file of approved variances will be maintained by the Director, Bureau of Radiological Health; and, where applicable, affected State radiation regulatory authorities will be notified of action with respect to variances. Information containing trade secrets will be administered in accordance with the provisions of section 360A(e) of the Act.

(iii) After reasonable notice to the manufacturer and opportunity for a hearing, the variance will be withdrawn if the Secretary deems that such withdrawal is necessary to protect the public health.

(4) Certification of equipment covered by variance. The manufacturer of any diagnostic X-ray equipment for which a variance is granted shall modify the tag, label, or other certification required by §§ 78.201, 78.202, 78.213-1, 78.213-2, or 78.213-3 to state:

(i) That the item is in conformity with §§ 78.213-1, 78.213-2, and 78.213-3 except with respect to those characteristics covered by the variance;

(ii) That the item is in conformity with the provisions of the variance; and

(iii) The assigned number for the variance and date assigned.

(j) *Warning label.* The control panel shall bear the warning statement: "WARNING: This X-ray unit may be dangerous to patient and operator unless safe exposure factors and operating instructions are observed."

(k) *Leakage radiation from the diagnostic source assembly.* The leakage radiation from the diagnostic source assembly measured at a distance of 1 meter in any direction from the source shall not exceed 100 milliroentgens in 1 hour when the X-ray tube is operated at its leakage technique factors. Compliance shall be determined by measurements averaged over an area of 100 square centimeters with no linear dimension greater than 20 centimeters.

(l) *Radiation from components other than the diagnostic source assembly.* The radiation emitted by a component other than the diagnostic source assembly shall not exceed 2 milliroentgens in 1 hour at 5 centimeters from any accessible surface of the component when it is operated under any conditions for which it was designed. Compliance shall be determined by measurements average over an area of 100 square centimeters with no linear dimension greater than 20 centimeters.

(m) *Beam quality.* The half-value layer (HVL) of the useful beam for a given X-ray tube potential shall not be less than the values shown in Table I.

TABLE I

Design operating range (Kilovolts peak)	Measured potential (Kilovolts peak)	Half-value layer (Millimeters of aluminum)
Below 50.....	30	0.3
	40	0.4
	45	0.5
50 to 70.....	50	1.2
	60	1.3
	70	1.5
Above 70.....	70	2.1
	80	2.3
	90	2.5
	100	2.7
	110	3.0
	120	3.2
	130	3.5
	140	3.8
	150	4.1

If it is necessary to determine such half-value layer at an X-ray tube potential which is not listed in Table I, linear interpolation or extrapolation may be made. Positive means<sup>2</sup> shall be provided to insure that at least the minimum filtration needed to achieve the above beam quality requirements is in the useful beam during each exposure.

(n) *Absorbers between patient and image receptor.* The aluminum equivalent of each of the items listed below, which are used between the patient and image receptor, shall not exceed the limits indicated in Table II. Compliance shall be determined by X-ray measurements made at 100 kilovolts peak.

TABLE II

Item	Aluminum equivalent at 100 kv. peak (millimeters)
Front panel of cassette holder.....	0.5
Front panel of film changer.....	0.5
Stationary tabletop.....	1.0
Moveable tabletop (including stationary subtop).....	1.5
Cradle.....	2.0

### § 78.213-2 Diagnostic X-ray equipment; radiographic equipment.

The provisions of this section apply to equipment for the recording of images, except those involving use of an image intensifier.

(a) *Control and indication of technique factors.*—(1) *Visual indication.* The technique factors to be used during an exposure shall be indicated before the exposure begins, except when an automatic exposure timer is used, in which case only the peak tube potential must be preindicated. On equipment having fixed technique factors, this requirement may be met by permanent markings. Indication of technique factors shall be visible from the operator's position except in the case of spot films made by the fluoroscopist.

(2) *Timers.* Means shall be provided to terminate the exposure at a preset

<sup>2</sup> In the case of a system which is to be operated with more than one thickness of filtration, this requirement can be met by a filter interlock with the kilovoltage selector which will prevent X-ray emission if the minimum required filtration is not in place.



time interval, preset product of current and time, or a preset radiation exposure to the image receptor.

(i) Except during serial radiography, the operator shall be able to terminate the exposure at any time. Termination of exposure shall cause automatic resetting of the timer to its initial setting or to zero. It shall be impossible to initiate an exposure if the timer is set to zero.

(ii) During serial radiography, the operator shall be able to terminate the series at any time, and means shall be provided to permit completion of any single exposure of the series in process.

(3) *Automatic exposure timers.* When automatic exposure timing is provided:

(i) Indication shall be made on the control panel when this mode of operation is selected;

(ii) The minimum exposure time shall not exceed a time interval equivalent to 2 pulses in pulsed equipment or 1/60 second in nonpulsed equipment;

(iii) Means shall be provided to limit the product of X-ray tube current and exposure time to not more than 600 milliamperes-seconds per exposure, except when the X-ray tube potential is less than 50 kilovolts peak in which case it shall be limited to not more than 2,000 milliamperes-seconds per exposure; and

(iv) A visible signal shall indicate when an exposure has been terminated by means described in subdivision (iii) of this subparagraph, and manual resetting shall be required before further automatically timed exposures can be made.

(4) *Accuracy.* Deviation of technique factors from indicated values shall not exceed the limits given in the statements provided in accordance with § 78.213-1 (h) (3).

(b) *Reproducibility.* The following requirements shall apply when the equipment is operated on an adequate power supply as specified by the manufacturer in accordance with the requirements of § 78.213-1 (h) (3):

(1) *Coefficient of variation.* For any specific combination of selected technique factors, the estimated coefficient of variation of radiation exposures shall be no greater than 0.05.

(2) *Measuring compliance.* Determination of compliance shall be based on 10 consecutive measurements taken within a time period of 1 hour. The line-voltage regulation during any measurement shall not differ from the mean for all measurements by more than 1 percent. In the case of automatic exposure timing devices, compliance shall be determined with the attenuation block placed in the primary beam, and the technique factors shall be such as to provide individual exposure times of no less than one-fifth second on nonpulsed equipment, or a minimum of 12 pulses per exposure on pulsed equipment.

(c) *Linearity.* The following requirement applies when the equipment allows a choice of X-ray tube current settings and is operated on a power supply as specified by the manufacturer in accordance with the requirements of § 78.213-1 (h) (3) for any fixed X-ray tube poten-

tial within the range of 40 percent to 100 percent of the maximum rated.

(1) *Average exposure ratios.* The average ratios of exposure to the indicated milliampere-seconds product (mR/mAs) obtained at any two consecutive tube current settings shall not differ by more than 0.10 times their sum. This is:

$$|\bar{X}_1 - \bar{X}_2| \leq 0.10 (\bar{X}_1 + \bar{X}_2); \text{ where } \bar{X}_1 \text{ and } \bar{X}_2$$

are the average mR/mAs values obtained at each of two consecutive tube current settings.

(2) *Measuring compliance.* Determination of compliance will be based on 10 exposures at each of two consecutive X-ray tube current settings made within 1 hour. The line-voltage regulation during any measurement shall not differ from the mean for all measurements by more than 1 percent. Where tube current selection is continuous,  $\bar{X}_1$  and  $\bar{X}_2$  shall be obtained at current settings differing by no greater than a factor of 2.

(d) *Field limitation and alignment for mobile and stationary general purpose X-ray systems.* Except when spot-film devices are used, mobile and stationary general purpose radiographic X-ray systems shall meet the following requirements:

(1) *Variable X-ray field limitation.* There shall be provided a means for continuously varying the size of the X-ray field. The minimum field size at an SID of 100 centimeters shall not exceed 5 by 5 centimeters.

(2) *Visual definition.* (i) Means shall be provided for visually defining the perimeter of the X-ray field. The misalignment of the visually defined field with the X-ray field along either the length or width of the X-ray field shall not exceed 2 percent of the source-field distance.

(ii) When a light localizer is used to define the X-ray field, it shall provide an average illumination of not less than 1.4 lux (15 footcandles) at 100 centimeters or at the maximum SID, whichever is less. The average illumination shall be based upon measurements made in the approximate center of each quadrant of the light field.

(iii) The edge of the light field at 100 centimeters or at the maximum SID, whichever is less, shall have a contrast ratio, corrected for ambient lighting, of not less than 4 in the case of beam-limiting devices designed for use on stationary equipment, and a contrast ratio of not less than 3 in the case of beam-limiting devices designed for use on mobile equipment. The contrast ratio is defined as  $I_1/I_2$  where  $I_1$  is the illumination 3 millimeters from the edge of the light field toward the center of the field; and  $I_2$  is the illumination 3 millimeters from the edge of the light field away from the center of the field. Compliance shall be determined with a measuring aperture of 1 millimeter.

(e) *Field limitation and alignment on stationary general purpose X-ray equipment.* Except when spot-film devices are used, stationary general purpose X-ray systems shall meet the following require-

ments in addition to those prescribed in § 78.213-2(d):

(1) *Field indication and alignment.* The beam-limiting device shall indicate numerically the linear dimensions of the X-ray field at the SID's for which it is designed. Such indication shall not deviate from the actual dimensions of the X-ray field at the SID by more than 2 percent of the SID when the equipment indicates that the axis of the beam is perpendicular to the plane of the image receptor. The alignment of the center of the X-ray field with the center of the image receptor shall be indicated to within 2 percent of the SID.

(2) *Positive beam limitation.* (i) Means shall be provided for positive beam limitation which will either cause automatic adjustment of the X-ray field in the plane of the image receptor to the image receptor size within 5 seconds after insertion of the image receptor or, if adjustment either is automatic with a response time greater than 5 seconds or is manual, will prevent production of X-rays until such adjustment is completed.

(ii) The X-ray field size in the plane of the image receptor, whether automatically or manually adjusted, shall be such that neither the length nor the width of the X-ray field differs from that of the image receptor by greater than 3 percent of the SID and that the sum of the absolute length and width differences be no greater than 4 percent of the SID when the equipment indicates that the beam axis is perpendicular to the plane of the image receptor.

(iii) The radiographic system shall be capable of operation, at the discretion of the operator, to provide beam dimensions smaller than the image receptor size. The minimum field size at a distance of 100 centimeters shall not exceed 5 by 5 centimeters. Return to positive beam limitation as defined in subdivisions (i) and (ii) of this subparagraph shall occur upon a change in image receptor.

(iv) Positive beam limitation may be bypassed when radiography is conducted which does not require use of the cassette tray or vertical cassette holder, when either the beam axis or table angulation is not within 10° of the horizontal or vertical during any part of the exposure, or during stereoscopic radiography. If the bypassed mode is provided, return to positive beam limitation shall be automatic.

(v) A capability may be provided for overriding positive beam limitation in the event of system failure or to perform special procedures which cannot be performed in the positive mode. If so provided, a key shall be required to override the positive mode. It shall be impossible to remove the key while the positive mode is overridden.

(f) *Field limitation on special purpose radiographic X-ray equipment.*—(1) *Equipment for use with intraoral image receptors.* Radiographic equipment designed for use with an intraoral image receptor shall be provided with means to limit the X-ray beam such that:

(i) If the minimum source-to-skin distance (SSD) is 18 centimeters or



more, the X-ray field at the minimum SSD shall be containable in a circle having a diameter of no more than 7 centimeters; and

(ii) If the minimum SSD is less than 18 centimeters, the X-ray field at the minimum SSD shall be containable in a circle having a diameter of no more than 6 centimeters.

(2) *X-ray systems designed for one image receptor size.* Radiographic equipment designed for only one image receptor size at a fixed SID shall be provided with means to limit the field at the plane of the image receptor to dimensions no greater than those of the image receptor, and to align the center of the X-ray field with the center of the image receptor to within 2 percent of the SID.

(3) *Other X-ray systems.* Radiographic systems not specifically covered in § 78.213-2 (d), (e), (f) (1) and (2), and (g) shall be provided with means to limit the X-ray field in the plane of the image receptor so that such field does not exceed each dimension of the image receptor by more than 2 percent of the SID when the axis of the X-ray beam is perpendicular to the plane of the image receptor. This requirement may be met with:

(i) A variable-aperture beam-limiting device which performs in accordance with § 78.213-2 (d) and (e) (1); or

(ii) An assortment of removable, fixed-aperture, beam-limiting devices sufficient to meet the requirement for each combination of image receptor size and SID for which the unit is designed (each such device shall have clear and permanent markings to indicate the image receptor size and SID for which it is designed); or

(iii) A beam-limiting device having multiple fixed apertures sufficient to meet the requirement for each combination of image receptor size and SID for which the unit is designed. Markings shall clearly and permanently indicate the image receptor size and SID for which each aperture is designed.

(g) *Field limitation and alignment for spot-film devices.* When a spot-film device is used, the misalignment of the X-ray field with that portion of the film which has been selected on the spot-film selector, along either the length or width, shall not exceed 3 percent of the SID, with the total of the absolute misalignment along both dimensions not to exceed 4 percent of the SID. Such field limitation shall be automatically accomplished between the source and the patient.

(h) *Source-skin distance.* (1) X-ray systems designed for use with an intra-oral image receptor shall be provided with means to limit source-to-skin distance to not less than:

(i) Eighteen centimeters if operable above 50 kilovolts peak, or

(ii) Ten centimeters if not operable above 50 kilovolts peak.

(2) Mobile or portable X-ray systems other than dental shall be provided with means to limit source-to-skin distance to not less than 30 centimeters.

(i) *Beam-on indicators.* The X-ray control shall provide visual indication whenever X-rays are produced. In addition,

a signal audible to the operator shall indicate that the exposure has terminated.

(j) *Multiple tubes.* Where two or more radiographic tubes are controlled by one exposure switch, the tube which has been selected shall be clearly indicated prior to initiation of the exposure. This indication shall be both on the X-ray control and at or near the tube housing assembly which has been selected.

(k) *Standby radiation from capacitor energy storage equipment.* Radiation emitted from the X-ray tube when the exposure switch or timer is not activated shall not exceed 2 milliroentgens per hour at 5 centimeters from any accessible surface of the diagnostic source assembly, with the beam-limiting device fully open. Compliance shall be determined by measurements averaged over an area of 100 square centimeters with no linear dimension greater than 20 centimeters.

#### § 78.213-3 Diagnostic X-ray equipment; fluoroscopic equipment.

The provisions of this section apply to equipment for fluoroscopy and for the recording of images through an image intensifier.

(a) *Primary protective barrier.* The entire cross section of the useful beam shall be intercepted by a primary protective barrier at any SID; and

(1) The fluoroscopic tube shall not produce X-rays unless the barrier is in position to intercept the useful beam; and

(2) The exposure rate due to transmission through the barrier with the attenuation block in the useful beam combined with radiation from the image intensifier, if provided, shall not exceed 2 milliroentgens per hour at 10 centimeters from any accessible surface of the equipment beyond the plane of the image receptor for each roentgen per minute of entrance exposure rate. The entrance exposure rate shall be measured in accordance with § 78.213-3(d). The exposure rate due to transmission through the primary barrier combined with radiation from the image intensifier shall be determined by measurements averaged over an area of 100 square centimeters with no linear dimension greater than 20 centimeters. If the source is below the tabletop, the measurement shall be made with the input surface of the fluoroscopic imaging assembly positioned 30 centimeters above the tabletop. If the source is above the tabletop and the SID is variable, the measurement shall be made with the end of the beam-limiting device or spacer as close to the tabletop as it can be placed, provided that it shall not be closer than 30 centimeters. Movable grids and compression devices shall be removed from the useful beam during the measurement.

(b) *Field limitation.*—(1) *Nonimage-intensified fluoroscopy.* The X-ray field produced by nonimage-intensified fluoroscopic equipment shall not extend beyond the entire visible area of the image receptor. Means shall be provided to permit further limitation of the field. The minimum field size at the greatest SID shall not exceed 5 by 5 centimeters.

(2) *Image-intensified fluoroscopy.* For image-intensified fluoroscopic equipment the misalignment of the X-ray field with the visible portion of the image receptor along any dimension of the X-ray field in the plane of the image receptor shall not exceed 3 percent of the SID. The total of the absolute misalignment along any two orthogonal dimensions intersecting at the center of the visible portion of the image receptor shall not exceed 4 percent of the SID. For rectangular X-ray fields, the error in alignment shall be determined along the length and width dimensions which pass through the approximate center of the visible portion of the image receptor. Means shall be provided to permit further limitation of the field. The minimum field size, at the greatest SID, shall not exceed 5 by 5 centimeters.

(c) *Activation of tube.* X-ray production in the fluoroscopic mode shall be controlled by a device which requires continuous pressure by the operator for the entire time of any exposure. When recording serial fluoroscopic images, the operator shall be able to terminate the series at any time, and means may be provided to allow completion of the exposure in progress.

(d) *Entrance exposure rate.*—(1) *Exposure rate limit.* Fluoroscopic equipment shall not be operable at any combination of tube potential and current which will result in an exposure rate in excess of 5 roentgens per minute at the point where the center of the useful beam enters the patient, except:

(i) During recording of fluoroscopic images, or

(ii) When an optional high level control is actuated. Special means of activation of high level controls, such as additional pressure applied continuously by the operator, shall be provided to avoid accidental use. A continuous signal audible to the fluoroscopist shall indicate that the high level control is being employed.

(2) *Measuring compliance.* Compliance with § 78.213-3(d) (1) shall be determined as follows:

(i) If the source is below the table, exposure rate shall be measured 1 centimeter above the tabletop.

(ii) If the source is above the table, the exposure rate shall be measured at 30 centimeters above the tabletop with the end of the beam-limiting device or spacer positioned as closely as possible to the point of measurement.

(iii) In a C-arm type of fluoroscope, the exposure rate shall be measured 30 centimeters from the input surface of the fluoroscopic imaging assembly.

(e) *Indication of potential and current.* During fluoroscopy and cinefluorography X-ray tube potential and current shall be continuously indicated. Deviation of X-ray tube potential and current from the indicated values shall not exceed the maximum deviation as stated by the manufacturer in accordance with § 78.213-1(h) (3).

(f) *Source-skin distance.* Means shall be provided to limit the source-skin distance to not less than 38 centimeters on

stationary fluoroscopes and to not less than 30 centimeters on mobile fluoroscopes. In addition, for image intensified fluoroscopes intended for specific surgical application that would be prohibited at the source-skin distances specified in this paragraph, provisions may be made for operation at shorter source-skin distances but in no case less than 20 centimeters. When provided, the manufacturer must set forth precautions with respect to the optional means of spacing, in addition to other information as required in § 78.213-1(h).

(g) *Fluoroscopic timer.* Means shall be provided to preset the cumulative on-time of the fluoroscopic tube. The maximum cumulative time of the timing device shall not exceed 5 minutes without resetting. A signal audible to the fluoroscopist shall indicate the completion of any preset cumulative on-time. Such signal shall continue to sound while X-rays are produced until the timing device is reset.

(h) *Mobile fluoroscopes.* In addition to the foregoing requirements of § 78.213-3 of this chapter, mobile fluoroscopes shall provide intensified imaging.

Inquiries may be addressed and data, views, and arguments may be submitted in writing, preferably in quintuplicate, to the Office of the Hearing Clerk, Room 6-88, 5600 Fishers Lane, Rockville, Md. 20852. All relevant material received within 60 days after publication of this notice in the FEDERAL REGISTER will be considered. Except for material clearly designated by the contributor as proprietary information, all comments in response to the proposed regulations will be available for public inspection during regular business hours, Monday through Friday, at the foregoing address.

Dated: September 30, 1971.

CHARLES C. EDWARDS,  
Commissioner of Food and Drugs.

[FR Doc.71-14598 Filed 10-7-71;8:45 am]

## DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[ 14 CFR Part 71 ]

[Airspace Docket No. 71-WE-50]

### CONTROL ZONE AND TRANSITION AREA

#### Proposed Alteration

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations that would alter the descriptions of the Tonopah, Nev., control zone and transition area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the

Chief, Airspace and Procedures Branch, Federal Aviation Administration, 5651 West Manchester Boulevard, Post Office Box 92007, Worldway Postal Center, Los Angeles, CA 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Boulevard, Los Angeles, CA 90045.

The instrument approach procedure for Tonopah, Nev., has been reviewed in accordance with the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). As a result of the review it has been determined that the descriptions of the control zone and transition area must be amended to provide controlled airspace protection for aircraft executing prescribed instrument procedures.

In consideration of the foregoing, the FAA proposes the following airspace actions.

In § 71.171 (36 F.R. 2055) the description of the Tonopah, Nev., control zone is amended to read as follows:

#### TONOPAH, NEV.

Within a 5-mile radius of Tonopah Airport (latitude 38°03'30" N., longitude 117°05'00" W.) and within 3.5 miles each side of the Tonopah VORTAC 115° radial, extending from the 5-mile-radius zone to 10 miles southeast of the VORTAC.

In § 71.181 (36 F.R. 2140) the description of the Tonopah, Nev., transition area is amended to read as follows:

#### TONOPAH, NEV.

That airspace extending upward from 1,200 feet above the surface within 14 miles north and 5 miles south of the 083° and 263° radials of the Tonopah VORTAC extending from 12 miles west to 25.5 miles east of the VORTAC, and within 10 miles south of and parallel to the Tonopah VORTAC 089° radial, extending from the VORTAC to 21.5 miles east of the VORTAC.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif., on September 30, 1971.

ARVIN O. BASNIGHT,  
Director, Western Region.

[FR Doc.71-14756 Filed 10-7-71;8:47 am]

## [ 14 CFR Part 71 ]

[Airspace Docket No. 71-FC-1]

### CONTROL ZONE

#### Proposed Designation

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a Saipan Island control zone.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Pacific Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 4009, Honolulu, HI 96813. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

As parts of this proposal relate to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 of and Annex 11 to the Convention on International Civil Aviation, which pertain to the establishment of air navigation facilities and services necessary to promoting the safe, orderly, and expeditious flow of civil air traffic. Their purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended

Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international air space with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

The proposed control zone is necessary to provide controlled airspace, specified by existing criteria, for aircraft executing instrument approach and departure procedures at Saipan Island (Kobler Field) Mariana Islands.

If this action is taken, Part 71 of the Federal Aviation Regulations would be amended by designating the Saipan Island (Kobler Field) control zone as follows:

Within a 5-mile radius of Kobler Field (latitude 15°07'30" N., longitude 145°42'29" E.); within 3.5 miles each side of the Saipan RBN (latitude 15°07'32" N., longitude 145°41'58" E.) 254° T (252° M) bearing, extending from the 5-mile-radius zone to 12 miles southwest of the RBN, and within 2 miles each side of the extended centerline of the east/west runway, extending from the 5-mile-radius zone to 6.5 miles east of Kobler Field. This control zone is effective from 0800 to 1630 hours, local time, daily.

This amendment is proposed under the authority of sections 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1510), Executive Order 10854 (24 F.R. 9565) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on October 1, 1971.

H. B. HELSTROM,  
Chief, Airspace and Air  
Traffic Rules Division.

[FR Doc.71-14762 Filed 10-7-71;8:48 am]

## 14 CFR Part 71

[Airspace Docket No. 71-NW-1]

### CONTROL ZONE AND TRANSITION AREA

#### Proposed Alteration

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations that would alter the Hoquiam, Wash., control zone and transition area.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Northwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Wash. 98108. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before

action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

As parts of these proposals relate to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 of and Annex 11 to the Convention on International Civil Aviation, which pertain to the establishment of air navigation facilities and services necessary to promoting the safe, orderly and expeditious flow of civil air traffic. Their purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since these actions involve, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

The airspace actions proposed in this docket would:

1. Amend the Hoquiam, Wash., control zone to read as follows:

Within a 5-mile radius of Bowerman Field, Hoquiam, Wash., (lat. 46°58'15" N., long. 123°56'05" W.), within 1.5 miles each side of the Hoquiam VORTAC 081° radial, extending from the 5-mile radius zone to the VORTAC, and within 4 miles each side of the 081° radial, extending from the 5-mile radius zone to 20 miles east of the VORTAC.

2. Amend the Hoquiam transition area to read as follows:

That airspace extending upward from 700 feet above the surface east of Bowerman Field, bounded on the north by a line 2 miles north of and parallel to the Hoquiam VORTAC 063° radial, on the south by a line 2 miles south of and parallel to the Hoquiam VORTAC 038° radial, extending eastward between the arcs of 5- and 13-mile radius circles centered on Bowerman Field (lat. 46°58'15" N., long. 123°56'05" W.); and that airspace extending upward from 1,200 feet above the surface within 6 miles north and 9 miles south of the Hoquiam VORTAC 031° and 261° radials, extending from 8 miles east to 19 miles west of the VORTAC, excluding that portion coinciding with Warning Area W-237.

The proposed alterations of the control zone and transition area are necessary to provide controlled airspace for newly developed instrument approach procedures to Bowerman Field.

These amendments are proposed under the authority of secs. 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1510), Executive Order 10854 (24 F.R. 9565) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on October 1, 1971.

H. B. HELSTROM,  
Chief, Airspace and Air  
Traffic Rules Division.

[FR Doc.71-14760 Filed 10-7-71;8:47 am]

## 14 CFR Part 71

[Airspace Docket No. 71-SO-67]

### CONTROL AREA AND REPORTING POINT

#### Proposed Alteration

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter Control Area 1233 and the Tadpole Reporting Point.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 20636, Atlanta, GA 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

As part of this proposal relates to the navigable airspace outside the United

States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 of and Annex 11 to the Convention on International Civil Aviation, which pertain to the establishment of air navigation facilities and services necessary to promoting the safe, orderly and expeditious flow of civil air traffic. Their purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

The airspace action proposed in this docket would:

1. Redesignate Control 1233 as that airspace extending upward from 2,000 feet MSL bounded on the north by V-35; on the east by a line 15 nautical miles east of and parallel to the 189° T (188° M) bearing from the Marathon, Fla., radio beacon; on the south by lat. 24°00'00" N.; on the west by a line 5 nautical miles west and parallel to the 189° T (188° M) bearing from the Marathon radio beacon extending from lat. 24°00'00" N. to lat. 24°25'00" N., thence west via lat. 24°25'00" N. to the arc of a 35-statute-mile radius circle centered at the Key West, Fla., VORTAC, thence counterclockwise via the arc to V-35.

2. Redesignate the Tadpole Intersection as the intersection of the Marathon, Fla., radio beacon 189° T (188° M) bearing with lat. 24°00'00" N.

This proposed action would facilitate the movement and control of high altitude oceanic air traffic operating into and from the Miami, Fla., terminal area.

Concurrently, nonrule making actions will be taken as follows:

1. Alter Warning Area W-174 eastern boundary to extend from lat. 24°25'00" N., long. 81°14'30" W.; to lat. 23°30'00" N., long. 81°23'30" W.

2. Alter Warning Area W-465 boundaries as beginning at lat. 24°33'00" N., long. 79°44'00" W.; to lat. 24°25'00" N., long. 79°41'00" W.; to lat. 24°09'00" N., long. 79°41'00" W.; to lat. 23°30'00" N., long. 80°57'30" W.; to lat. 23°30'00" N., long. 81°01'30" W.; to lat. 24°33'00" N., long. 80°51'00" W.; thence to point of beginning.

This amendment is proposed under the authority of section 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1510), Executive Order 10854 (24 F.R. 9565) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on October 1, 1971.

H. B. HELSTROM,  
Chief, Airspace and Air  
Traffic Rules Division.

[FR Doc.71-14761 Filed 10-7-71;8:47 am]

#### [ 14 CFR Part 71 ]

[Airspace Docket No. 71-CE-110]

#### TRANSITION AREA

##### Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Woodruff, Wis.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106.

Two new public use instrument approach procedures have been developed for the Lakeland Municipal Airport, Woodruff, Wis. Accordingly, it is necessary to alter the transition area at Woodruff, Wis., to adequately protect the aircraft executing the new approach procedures.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (36 F.R. 2140), the following transition area is amended to read:

WOODRUFF, Wis.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Lakeland Airport (latitude 45°55'38" N., longitude 89°43'53" W.); and that airspace extending upward from 1,200 feet above the surface within a 21-mile radius of Lakeland Airport, excluding the portion which overlies the Rhinelander, Wis., Eagle River, Wis., and Land O'Lakes, Wis., transition areas.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on September 14, 1971.

JOHN M. CYROCKI,  
Director, Central Region.

[FR Doc.71-14769 Filed 10-7-71;8:47 am]

#### [ 14 CFR Part 71 ]

[Airspace Docket No. 71-SO-152]

#### TRANSITION AREA

##### Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Huntsville, Ala., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, Post Office Box 20636, Atlanta, GA 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, GA.

The Huntsville transition area described in § 71.181 (36 F.R. 2140) would be amended as follows:

"\* \* \* VOR to 18.5 miles north \* \* \*" would be deleted and "\* \* \* VOR to 18.5 miles N.; within a 5-mile radius of North Huntsville Airport (lat. 34°51'25" N., long. 86°33'22" W.) \* \* \*" would be substituted therefor.

The proposed alteration is required to provide controlled airspace protection for the proposed VOR/DME-A and RADAR-1 Instrument Approach Procedures to North Huntsville Airport.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on September 30, 1971.

JAMES G. ROGERS,  
Director, Southern Region.

[FR Doc.71-14757 Filed 10-7-71;8:47 am]

# [ 14 CFR Part 71 ]

[Airspace Docket No. 71-SO-153]

## TRANSITION AREA

### Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Hamilton, Ala., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, Post Office Box 20636, Atlanta, GA 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, GA.

The Hamilton transition area would be designated as:

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Marion County Airport (lat. 34°07'10" N., long. 87°59'53" W.); within 3 miles each side of Hamilton VORTAC 348° radial, extending from the 9-mile-radius area to 8.5 miles northwest of the VORTAC.

The proposed designation is required to provide controlled airspace protection for IFR operations at Marion County Airport. A prescribed instrument approach procedure to this airport, utilizing the Hamilton VORTAC, is proposed in conjunction with the designation of this transition area.

This amendment is proposed under the authority of section 307(a) of the Federal

Aviation Act of 1958 (49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on September 30, 1971.

JAMES G. ROGERS,  
Director, Southern Region.

[FR Doc.71-14758 Filed 10-7-71;8:47 am]

## National Highway Traffic Safety Administration

### [ 49 CFR Part 575 ]

[Docket No. 25]

## UNIFORM TIRE QUALITY GRADING

### Notice of Public Meeting

A notice of proposed rule making published September 21, 1971, (36 F.R. 18751) set forth a new proposed Consumer Information regulation, "Uniform Tire Quality Grading".

The National Highway Traffic Safety Administration has scheduled a public meeting on this subject to be held on November 12, 1971. The meeting will provide an opportunity for interested persons to make presentations and to exchange technical information. An additional purpose of the meeting is to provide a forum for discussion of the proposed requirements.

Interested persons are invited to attend the meeting. Persons who desire to make a formal presentation should contact Mr. Edward H. Wallace, Chief, Tire Division, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC. 20590 (Area Code 202-426-2800), before October 29, 1971, so that time limitations (if necessary) and the need for any special equipment, such as projectors, can be discussed and final arrangements can be made. A general outline of the planned presentation should also be submitted at this time. Persons whose presentations include photographs, slides, motion pictures, or other visual aids should plan to submit copies of them for the record at the meeting.

An agenda will be available at the meeting. A transcript of the meeting will be made, and will be available for examination in the Docket Section, Room 5221, 400 Seventh Street SW., Washington, DC, approximately 3 days after the meeting.

The date, time, and place of the meeting are as follows:

Date: November 12, 1971.

Time: 9:30 a.m. to 5 p.m.

Place: Room 2230, Nassif Building, 400 Seventh Street SW., Washington, DC.

This notice is issued under the authority of sections 103, 112, 119, and 203 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1392, 1401, 1407, 1423) and the delegations of authority at 49 CFR 1.51 and 49 CFR 501.8.

ROBERT L. CARTER,  
Acting Associate Administrator,  
Motor Vehicle Programs.

[FR Doc.71-14776 Filed 10-7-71;8:49 am]

## [ 49 CFR Part 567 ]

[Docket No. 70-8; Notice 4]

## CERTIFICATION REGULATIONS

### Notice of Proposed Rule Making

This notice proposes that vehicle manufacturers be allowed to list on their certification label more than one set of values for gross vehicle and gross axle weight ratings, along with applicable tire sizes, under certain conditions. A related action in response to petitions for reconsideration of the regulations concerning Certification and Vehicles Manufactured in Two or More Stages, Parts 567 and 568 of Title 49, Code of Federal Regulations, is published in this issue of the FEDERAL REGISTER, 36 F.R. 19593.

Counsel for the Trailer Manufacturers Association have pointed out that some manufacturers provide different sizes of tires as a customer option, and have requested permission to state different weight rating values on the label for each tire size that is offered. This suggestion appears to have merit. Otherwise, manufacturers who routinely offer several tire-size options will either have to anticipate which tire is to be used on a particular vehicle, with the consequent danger of either understating or overstating the vehicle's weight ratings, or rely on subsequent processors, in some cases dealers, to affix an appropriate permanent label to the vehicle after the tires have been selected.

It is proposed, therefore, that Part 567, Certification of Title 49, Code of Federal Regulations, be amended by inserting a new paragraph (h) in § 567.4, to read as follows:

(h) In cases where different tire sizes are offered as a customer option, a manufacturer may at his option list more than one set of values for GVWR and GAWR, in response to the requirements of subparagraphs (g) (3) and (4) of this section. If the label shows more than one set of weight rating values, each value shall be followed by the phrase "with \_\_\_\_\_ tires", inserting the proper tire size designations.

Example:

GVWR:

8000 with 7.00x15LT(D) tires.

11000 with 8.25x16LT(E) tires.

GAWR:

Front—4020 with 7.00x15LT(D) tires.

5920 with 8.25x16LT(E) tires.

Rear—4080 with 7.00x15LT(D) tires.

5920 with 8.25x16LT(E) tires.

In § 567.5, paragraphs (b) and (c) would be redesignated as (c) and (d) respectively, and a new paragraph (b) would be inserted reading as follows:

(b) More than one set of figures for GVWR and GAWR may be listed in satisfaction of the requirements of subparagraphs (a) (5) and (6) of this section, as provided in § 567.4(h).

Interested persons are invited to submit comments on the proposed amendment. Comments should identify the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5221,



400 Seventh Street SW., Washington, DC 20591. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on November 11, 1971, will be considered, and will be available for examination in the docket at the above address both before and after the closing date. To the extent possible, comments filed after the above date will also be considered by the Administration. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The Administration will continue to file relevant material, as it becomes available, in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new materials.

*Effective date.* January 1, 1972.

This notice of proposed rulemaking is issued under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act of 1966, 15 U.S.C. 1392, 1407, and the delegations of authority at 49 CFR 1.51 and 49 CFR 501.8.

Issued on October 6, 1971.

ROBERT L. CARTER,  
Acting Associate Administrator,  
Motor Vehicle Programs.

[FR Doc.71-14887 Filed 10-7-71;8:51 am]

## FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 19326; FCC 71-1007]

### FM BROADCAST STATIONS

#### Table of Assignments, Opp and Ozark, Ala.; Notice of Proposed Rule Making

In the matter of amendment of § 73.202, *Table of Assignments, FM Broadcast Stations* (Opp and Ozark, Ala.); Docket No. 19326, RM-1742, RM-1679.

1. We have before us, for consideration, two petitions, each requesting the institution of rule making looking toward assignment of a new FM channel. They each deal with separate communities in Alabama and will be discussed seriatim.

RM-1742, OPP, ALA.

2. On February 2, 1971, Opp Broadcasting, Inc. (Opp Broadcasting), filed a petition requesting the assignment of FM Channel 272A to Opp, Ala.<sup>1</sup> No other revisions in our Table of Assignments were proposed. No comments were filed in respect to the petition.

3. Opp, Ala. (the second largest community in Covington County, population

<sup>1</sup> The transmitter site will have to be located 2 miles northeast of the community because of the assignment of Channel 272A at Milton, Fla.

33,281), has 6,270 residents.<sup>2</sup> The only aural facility located in Opp is daytime-only standard broadcast Station WAMI, licensed to petitioner. Our FM Table of Assignments, at the present time, does not provide an FM assignment for the community.

4. Petitioner advances the need of Opp for an FM assignment by pointing out that such a facility could provide Opp and its surrounding area with a first full-time local aural service. The petition suggests that a community the size of Opp certainly requires a full-time service and that such an additional station, as that proposed, could be a valuable second voice to that of WAMI. The petition concludes by indicating the proposed facility could not only provide the area with weather information and warning service in case of a National Defense emergency but could in addition enrich the community with broadcasts concerning election results, public meetings, local sports, educational events, and news.

5. In light of the facts that, no oppositions have been filed, no existing FM assignments will be disturbed under the proposal and, that a prima facie showing appears to have been made that Opp needs a first fulltime local service, we consider it in the public interest to explore Opp Broadcasting's proposal to assign Channel 272A to Opp, Ala., in this rule making proceeding.

RM-1679, OZARK, ALA.

6. On August 18, 1970, Wade B. Sullivan Broadcasting Co. (Sullivan Broadcasting) filed a petition (amended on November 24, 1970 and August 18, 1971) requesting the "drop-in" of FM Channel 272A at Ozark, Ala. No comments concerning the petition were filed.

7. Dale County, Ala., with a population of 51,157 contains the small city of Ozark, which is its county seat, population 13,146. There are two daytime-only standard broadcast stations in the community, WAYD, licensed to petitioner and WOZK, licensed to Ozark Broadcasting Corp. Ozark Broadcasting Corp. also holds a license for Ozark's only FM allocation, Channel 285A, WOAB.

8. Sullivan Broadcasting asserts the public interest in its request of an FM assignment for Ozark primarily by listing various facts about the community. For example, concerning economics, it alleges that the community has: four banks, total deposits \$40,819,000; assessed property valuations, \$13,362,920; postal receipts, \$422,175; retail sales, \$38 million; and telephones in service, 6,910. A variety of other facts such as the number of schools, churches, parks, library facilities, and the existence of nearby Fort Rucker are also presented. The community appears to have an economy based primarily on agriculture and manufacturing of textile and wood products. From the substantial nature of Ozark, Sullivan Broadcasting concludes that it requires a second local FM facility which in nighttime hours can provide a choice of local radio programming.

<sup>2</sup> All population statistics are from the 1970 U.S. census.

9. In view of the discussion in paragraphs 2 through 5 above we are proposing to assign FM Channel 272A to Opp, Ala. Since Opp is but 38 miles distant from Ozark, Channel 272A, requested for assignment at Ozark by Sullivan Broadcasting, cannot be assigned to both communities because of our minimum mileage separation requirements. Considering these mutually exclusive proposals it is our belief that the use of the channel at Opp is clearly to be preferred since Ozark presently has one FM channel and two AM stations.

10. A staff analysis indicates that another channel, Channel 280A, can be assigned to Ozark consistent with all mileage separation requirements, and without requiring any changes in assignments elsewhere. The analysis indicates that the "preclusion" impact, on other possible uses of Channel 280A, is not significant. Therefore, while we are not now expressing a tentative view that the small city of Ozark warrants a second channel, we believe it appropriate to explore the possibility of assigning Channel 280A to Ozark in this rule making proceeding.

11. With the above material before us, we propose the following revisions in our FM Table of Assignments (section 73.202 of our rules) with respect to the cities listed below:

City	Channel No.	
	Present	Proposed
Opp, Ala.		272A
Ozark, Ala.	280A	280A, 285A.

12. Authority for the actions proposed herein, is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

13. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations interested parties may file comments on or before November 15, 1971, and reply comments on or before November 26, 1971. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings.

14. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and 14 copies of all written comments, reply comments, pleadings, briefs, or other documents, shall be furnished the Commission.

15. All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Broadcast and Docket Reference Room at its Headquarters in Washington, D.C. (1919 M Street NW.)

Adopted: September 20, 1971.

Released: October 5, 1971.

FEDERAL COMMUNICATIONS  
COMMISSION,<sup>3</sup>

[SEAL] BEN F. WARLE,  
Secretary.

[FR Doc.71-14801 Filed 10-7-71;8:51 am]

<sup>3</sup> Commissioner Bartley absent.



# Notices

## DEPARTMENT OF STATE

### Agency for International Development LIST OF INELIGIBLE SUPPLIERS

The following "List of Ineligible Suppliers" under A.I.D. Regulation 8 is currently in effect. All persons who anticipate A.I.D. financing for a transaction involving any person whose name appears on this list should take special notice of its contents.

#### LIST OF INELIGIBLE SUPPLIERS

**SECTION 1. Purpose of the list.** The List of Ineligible Suppliers implements the provisions of A.I.D. Regulation 8, "Subpliers of Commodities and Commodity-Related Services Ineligible for A.I.D. Financing" (22 CFR Part 208). Subject to the conditions described below A.I.D. will not make funds available to finance the cost of commodities or commodity-related services furnished by any supplier whose name appears on the list. A debarred supplier whose name appears in section 3 of a printed or published list has been placed thereon for the causes specified in § 208.5 of Regulation 8; a suspended supplier whose name appears in section 4 of a printed or published list has been placed thereon for the causes specified in § 208.7 of Regulation 8. A.I.D. has taken such action in accordance with the procedures described in Subpart D of Regulation 8.

With respect to the interest of any U.S. bank which holds an A.I.D. Letter of Commitment, special attention is called to the fact that the List as periodically modified by A.I.D. constitutes a special amendment to every Letter of Commitment to the effect that A.I.D. will not provide reimbursement to a bank for payment to any supplier whose name appears on the List, excepting only (a) a payment made to a supplier on or before the initial date of suspension indicated for that supplier under an A.I.D. Letter of Commitment issued prior to that date, and (b) a payment made to a supplier under an irrevocable Letter of Credit opened or confirmed on or before the initial date of suspension indicated for that supplier under an A.I.D. Letter of Commitment issued prior to that date. A bank which receives copies of the List and the periodic modifications thereto shall be held in its relationship with A.I.D. to the standard of care described in § 201.73(f) of Regulation 1 (22 CFR § 201.73(f)) with respect to every transaction governed by an A.I.D. Letter of Commitment issued to that bank.

**Sec. 2. Contents of the list.** The List of Ineligible Suppliers consists of all suppliers and affiliates who have been debarred or suspended by A.I.D. Additions to or deletions from the List are communicated directly to every U.S.

bank holding an A.I.D. Letter of Commitment as they occur. A.I.D. endeavors to keep printed and published lists as current as possible by superseding or supplementary issuance. No prejudice whatsoever shall attach to a supplier whose name has been removed from this list.

**Sec. 3. Suppliers debarred from A.I.D. financing.**

NAME, ADDRESS, INITIAL DATE OF SUSPENSION, AND PERIOD OF DEBARMENT

Cerco, Inc., 1124 Ashford Avenue, Santurce, PR 00907, August 5, 1969, September 12, 1969-September 12, 1972.

Chin Ui Sae Tan, Mr. (aka Thao Chue), 1024 Songwad Road, Bangkok, Thailand, July 31, 1969, September 8, 1969-September 8, 1972.

Eagan, Mr. Edward, 101 Maiden Lane, New York, NY 10038, February 14, 1968, February 13, 1969-February 13, 1972.

Eam-Hung, Mr., 1024 Songwad Road, Bangkok, Thailand, July 31, 1969, September 8, 1969-September 8, 1972.

Eastern Tinplate Distributors, 431 60th Street, West New York, NJ 07093, February 14, 1968, February 13, 1969-February 13, 1972.

Ets. L. Richoux, 22 Cite Trevise, 22, Paris 9, France, December 8, 1967, January 20, 1969-January 20, 1972.

Fox, Mr. Arnold M., 431 60th Street, West New York, NJ 07093, February 14, 1968, February 13, 1969-February 13, 1972.

International Tinplate Sales Co., 101 Maiden Lane, New York, NY 10038, February 14, 1968, February 13, 1969-February 13, 1972.

Khotpanya, Mr. Thao, No. 513 Sam Sene Tkai Road, Vientiane, Laos, December 30, 1968, February 1, 1969-February 1, 1972.

Ly, Mr. Kouang Sae, No. 513 Sam Sene Tkai Road, Vientiane, Laos, December 30, 1968, February 1, 1969-February 1, 1972.

Mane Fils, Inc., 250 Park Avenue South, New York, NY, January 7, 1969, February 6, 1970-February 6, 1973.

Marine Leasing, Ltd., 1624 Central Building, Pedder Street, Hong Kong, B.C.C., September 1, 1967, November 1, 1968-November 1, 1971.

Mutual International, Inc., 420-444 Market Street, San Francisco, CA 94111, September 23, 1968, December 1, 1969-December 1, 1972.

Navarra, Mr. Guy, 215-217 Avenue Ambassadeur, Ben Alcha Chtouka, Casablanca, Morocco, June 9, 1967, September 23, 1968-September 23, 1971.

Navarra, Mr. Saurer, 215-217 Avenue Ambassadeur, Ben Alcha Chtouka, Casablanca, Morocco, June 9, 1967, September 23, 1968-September 23, 1971.

Nederlandse Radiateuren Fabriek au Maroc, 215-217 Avenue Ambassadeur, Ben Alcha Chtouka, Casablanca, Morocco, June 9, 1967, September 23, 1968-September 23, 1971.

North American Inspection Agency, 431 60th Street, West New York, NJ 07093, February 14, 1968, February 13, 1969-February 13, 1972.

Palmetto Industry Co., 32 Broadway, Suite 808, New York, NY 10004, March 15, 1968, October 26, 1969-October 26, 1972.

Priyathanaphong, Mr. Boonsak, Proprietor, Roong Riang Registered Ordinary Partnership, 535-537 Suntiaph Road, Bangkok, Thailand, December 30, 1968, February 1, 1969-February 1, 1973.

Richoux Co., Inc., 1133 Broadway, New York, NY 10010, December 8, 1967, January 20, 1969-January 20, 1972.

Rodman, Mr. Norman, 1624 Central Building, Pedder Street, Hong Kong, B.C.C., September 1, 1967, November 1, 1968-November 1, 1971.

Roong Riang Registered Ordinary Partnership, 535-537 Suntiaph Road, Bangkok, Thailand, December 30, 1968, February 1, 1969-February 1, 1972.

Saharoja Weaving Factory Limited Partnership (a.k.a. Hah Heng Weaving Factory), No. 65 Buntuttong Road, Trogput Lane, Bangkok, Thailand, December 30, 1968, February 1, 1969-February 1, 1972.

Steel Factories Co., 431 60th Street, West New York, NJ 07093, February 14, 1968, February 13, 1969-February 13, 1972.

Teck Yoo Industry, Ltd., Partnership, 1024 Songwad Road, Bangkok, Thailand, July 31, 1969, September 8, 1969-September 8, 1972.

Tinmill Products Co., 101 Maiden Lane, New York, NY 10038, February 14, 1968, February 13, 1969-February 13, 1972.

Tinplate Association, Inc., 101 Maiden Lane, New York, NY 10038, February 14, 1968, February 13, 1969-February 13, 1972.

Tumay, Mr. Francis, President, 32 Broadway, Suite 808, New York, NY 10004, March 15, 1968, October 26, 1969-October 26, 1972.

Unico, J. E., Ltd., 3, Jalad Muang Road, Bangkok, Thailand, July 31, 1967, August 22, 1968-August 22, 1971.

Wewerka, Mr. Victor, President, Ets. L. Richoux, 22 Cite Trevise, 22, Paris 9, France, December 8, 1967, January 20, 1969-January 20, 1972.

Wong, P. C., & Co., 156 Funston Street, San Francisco, CA, September 23, 1968, December 1, 1969-December 1, 1972.

Wong, Mr. Peter C., 156 Funston Street, San Francisco, CA, September 23, 1968, December 1, 1969-December 1, 1972.

**Sec. 4. Suppliers suspended from A.I.D. financing.**

The following persons have been suspended from A.I.D. financing until further notice pending completion of an A.I.D. investigation of facts which may lead to the eventual debarment of such persons:

NAME, ADDRESS, AND INITIAL DATE OF SUSPENSION

Archifar Pharmaceutical Products, Inc., 20 Exchange Place, New York, NY 10005, November 9, 1969.

Associated Chemco-Pharm Industries, Inc., 20 Exchange Place, New York, NY 10005, November 9, 1969.

Bershad, Mrs. Carolyn, 8211 Streamwood Drive, Baltimore, MD 21203, September 26, 1967.

Bershad, Mr. Irving, 8211 Streamwood Drive, Baltimore, MD 21203, September 26, 1967.

Bottone, Dr. Caesar, 1203 Anderson Avenue, Fort Lee, NJ 07025, November 9, 1969.

Cathay Steel Export Corp., 160 Broadway, New York, NY 10038, September 26, 1967.

Chatham Shipping Corp., 375 Park Avenue, New York, NY 10022, April 30, 1970.

Colony Steel Co., 122 East 42d Street, New York, NY, March 25, 1968.

Concepcion, Mr. Segismundo, 160 Broadway, New York, NY 10038, April 22, 1969.

Concrete Pipe Machinery Co., Post Office Box 1703, Sioux City, IA 51102, August 7, 1970.

Corrigan-Gonzalez Export Corp., 4001 Northwest 25th Street, Miami, FL, November 17, 1970.

Corrigan & Sons, Inc., Post Office Box 218, San Antonio, FL, November 17, 1970.

Dixie Chick Co., 510 Davis Street SW., Gainesville, GA 30501, March 5, 1969.

Eastar Trading Co., 1830 West Olympic Boulevard, Los Angeles, CA 90006, May 20, 1970.

Eisler Engineering Co., Inc., 750 South 13th Street, Newark, NJ 07103, March 26, 1968.

Evans Chemetics, Inc., 250 East 43d Street, New York, NY 10007, July 27, 1970.

Farber, Dr. John J., International Chemical Corp., 720 Fifth Avenue, New York, NY 10019, July 31, 1969.

Fertig, Captain Arthur H., 19 West Street, New York, NY 10011, April 30, 1970.

Gubbay, Mr. Clement, 20 Exchange Place, New York, NY 10005, November 9, 1966.

Higgins, Thomas Edison, Enterprises, Inc., 660 Capri Boulevard, Treasure Island, FL 33706, April 5, 1967.

Higgins, Mrs. Mabel, 660 Capri Boulevard, Treasure Island, FL 33706, April 5, 1967.

Higgins, Mr. Thomas Edison, 660 Capri Boulevard, Treasure Island, FL 33706, April 5, 1967.

Industrial Waxes, Inc., 925 Dixie Terminal Building, Cincinnati, OH 45202, May 5, 1971.

Interkin Engineering Co., Post Office Box 2048, Houston, TX, August 18, 1971.

International Chemical Corp., 720 Fifth Avenue, New York, NY 10019, July 31, 1969.

International Clay Machinery Co. of Delaware, Inc., 15 Park Row, New York, NY 10038, August 9, 1971.

International Engineering, Inc., 15 Park Row, New York, NY 10038, August 9, 1971.

International Enterprises, 160 Broadway, New York, NY 10038, April 22, 1969.

International Farm Products, 720 Fifth Avenue, New York, NY 10038, April 22, 1969.

Kim, Mr. Peter, Eastar Trading Co., 1830 West Olympic Boulevard, Los Angeles, CA 90006, May 20, 1970.

Kleyman, Leslie, Corp., 720 Fifth Avenue, New York, NY 10019, July 31, 1969.

Lesh, Mr. George B., Vice President, Chatham Shipping Corp., 375 Park Avenue, New York, NY 10022, April 30, 1970.

Liao, Mr. J. Y. (aka Liao, Chi-Yo), President, Summid Corp., 7-2 Alley 13, Lane 1032, Chung Cheng Road, Taipei, Taiwan, April 7, 1970.

Long, Mr. Sumner A., President, Chatham Shipping Corp., 375 Park Avenue, New York, NY 10022, April 30, 1970.

Lowens, Mr. Ernest, 20 Exchange Place, New York, NY 10005, November 9, 1966.

Marclem, S.A., c/o Buffete Tapia, Calle 31 3-80 Panama City, Republic Panama, October 25, 1967.

Meoni, Mr. A., 20 Exchange Place, New York, NY 10005, November 9, 1966.

McElroy, Mr. Roy H., President, International Clay Machinery Co. of Delaware, Inc., 15 Park Row, New York, NY 10038, August 9, 1971.

Napco Industries, Inc., Post Office 570, Minneapolis, MN 55440, August 7, 1969.

Navarro, Mr. Ben, 20 Exchange Place, New York, NY 10005, November 9, 1966.

North Georgia Feed and Poultry, Inc., 514 Davis Street SW., Gainesville, GA 30501, March 5, 1969.

Omaha Manufacturing & Engineering Co., 3900 Dahlman Avenue, Omaha, NE 68107, June 20, 1969.

Panmed Pharmaceuticals, Inc., 1209 Anderson Avenue, Fort Lee, NJ 07025, November 9, 1966.

Pharma Scienta, 156 Rue de Damas, Imm. Homs, Beirut, Lebanon, December 19, 1966.

Premium Finishes Sales, Inc., 925 Dixie Terminal Building, Cincinnati, Ohio 45202, May 5, 1971.

Price Paper Products Corp., 925 Dixie Terminal Building, Cincinnati, Ohio 45202, May 5, 1971.

Price, Mr. Thomas E., c/o Price Paper Products Corp., 925 Dixie Terminal Building, Cincinnati, Ohio 45202, May 5, 1971.

Price y Cia., Inc., 925 Dixie Terminal Building, Cincinnati, Ohio 45202, May 5, 1971.

R & Z, Inc., 2041-47 Pitkin Avenue, Brooklyn, NY 11207, October 23, 1969.

Richter, Gedeon, Pharmaceutical Products, Inc., 20 Exchange Place, New York, NY 10005, November 9, 1966.

Rogers, Mr. Henry, 2041-47 Pitkin Avenue, Brooklyn, NY 11207, October 23, 1969.

Scheinis, Mr. Samuel, 122 East 42d Street, New York, NY 10017, March 25, 1971.

Schuco Industries, Inc., 110 Fifth Avenue, New York, NY 10011, June 28, 1968.

Schuco International Corp., 110 Fifth Avenue, New York, NY 10011, June 28, 1968.

Schuco Laboratories, Inc., 110 Fifth Avenue, New York, NY 10011, June 28, 1968.

Schuco Sales, Inc., 110 Fifth Avenue, New York, NY 10011, June 28, 1968.

Schueler and Co., 110 Fifth Avenue, New York, NY 10011, March 15, 1968.

Shalom, Mr. Raleigh, 20 Exchange Place, New York, NY 10005, November 9, 1966.

Societe Des Laboratories Reunis (SOLAR), 156 Rue de Damas, Imm. Homs, Beirut, Lebanon, December 19, 1966.

Societe Tunisienne Compto, Rue es Sadikia, Tunis, Tunisia, June 24, 1968.

Spe-D-Magic, 660 Capri Boulevard, Treasure Island, FL 33706, April 5, 1967.

Stuhr-Kennedy Shipping Co., 1320 Peralta Street, Berkeley, CA, March 21, 1968.

Stuhr, Mr. Raymond H., 1320 Peralta Street, Berkeley, CA, March 21, 1968.

Summid Corp., 7-2, Alley 13, Lane 1032, Chung Cheng Road, Taipei, Taiwan, April 7, 1970.

Surplus Steel Exchange, Inc., 227 Fulton Street, New York, NY 10007, January 16, 1968.

Tricon International, Inc., 160 Broadway, New York, NY 10038, April 22, 1969.

United Pharmacal Laboratories, Post Office Box 1718, Lot 28, Foreign Trade Zone, Mayaguez, PR, December 19, 1966.

Westerling, Mr. Horst P. G., 925 Dixie Terminal Building, Cincinnati, Ohio 45202, May 5, 1971.

White Magic Co., 660 Capri Boulevard, Treasure Island, FL 33706, April 5, 1967.

Wolff, Mr. Tom G., 787 Tucker Road, North Dartmouth, MA, October 23, 1969.

World Acme Corp., 110 Fifth Avenue, New York, NY 10011, October 3, 1969.

Zubof, Mr. Samuel, 2041-47 Pitkin Avenue, Brooklyn, NY 11207, October 23, 1969.

JAMES F. CAMPBELL,  
Assistant Administrator  
for Administration.

OCTOBER 1, 1971.

[FR Doc.71-14790 Filed 10-7-71;8:50 am]

## DEPARTMENT OF THE TREASURY

### Bureau of Customs

### NORTHERN BLEACHED HARDWOOD KRAFT PULP FROM CANADA

#### Antidumping Proceeding Notice

On September 10, 1971, information was received in proper form pursuant to §§ 153.26 and 153.27, Customs Regulations (19 CFR 153.26, 153.27), indicating a possibility that Northern Bleached Hardwood Kraft Pulp from Canada is being, or likely to be, sold at less than fair value within the meaning of the

Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

There is evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Having conducted a summary investigation as required by § 153.29 of the Customs Regulations (19 CFR 153.29) and having determined as a result thereof that there are grounds for so doing, the Bureau of Customs is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

A summary of information received from all sources is as follows:

The information received tends to indicate that the prices of the merchandise sold for exportation to the United States are less than the prices for home consumption.

This notice is published pursuant to § 153.30 of the Customs Regulations (19 CFR 153.30).

[SEAL] EDWIN F. RAINS,  
Acting Commissioner of Customs.

Approved: October 4, 1971.

EUGENE T. ROSSIDES,  
Assistant Secretary of  
the Treasury.

[FR Doc.71-14770 Filed 10-7-71;8:48 am]

### Comptroller of the Currency

#### INSURED BANKS

#### Joint Call for Report of Condition

CROSS REFERENCE: For a document relating to a joint call for report of condition of insured banks, see F.R. Doc. 71-14766, Federal Deposit Insurance Corporation, *infra*.

### Internal Revenue Service

#### JOHN GORDON GILLETTE

#### Notice of Granting of Relief

Notice is hereby given that John Gordon Gillette, 1040 West Ninth Avenue, Marion, IA, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his convictions on September 21, 1959, in the U.S. District Court for the Northern District of Iowa, Eastern Division, of crimes punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for John Gordon Gillette, because of such convictions, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code, as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such convictions, it

would be unlawful for John Gordon Gillette to receive, possess, or transport, in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered John Gordon Gillette's application and:

(1) I have found that the convictions were made upon charges which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the convictions and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code: *It is ordered*, That John Gordon Gillette be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the convictions hereinabove described.

Signed at Washington, D.C., this 27th day of September 1971.

[SEAL] REX D. DAVIS,  
Director, Alcohol,  
Tobacco, and Firearms Division.

[FR Doc. 71-14774 Filed 10-7-71; 8:49 am]

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### HAVASU NATIONAL WILDLIFE REFUGE

#### Notice of Public Hearing Regarding Wilderness Proposal

Notice is hereby given in accordance with the provisions of the Wilderness Act of September 3, 1964 (Public Law 88-577; 78 Stat. 890-896; 16 U.S.C. 1131-1136), that public hearings will be held beginning at 9 a.m. on December 10, 1971, at the Havasu City Elks Club, Lake Havasu City, Mohave County, Ariz., and at 9 a.m. on December 11, 1971, at the Needles High School Auditorium, Needles, San Bernardino County, Calif., on a proposal leading to a recommendation to be made to the President of the United States by the Secretary of the Interior, regarding the desirability of including a portion of the Havasu National Wildlife Refuge within the National Wilderness Preservation System. The wilderness proposal consists of approximately 17,116 acres within Havasu National Wildlife Refuge—14,606 acres located in Mohave County, State of Arizona, and 2,510 acres located in San Bernardino County, State of California.

A brochure containing a map and information about the proposal may be ob-

tained from the Refuge Manager, Havasu National Wildlife Refuge, Post Office Box A, Needles, CA 92363, or the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, 500 Gold Avenue SW., Albuquerque, NM 87103.

Individuals or organizations may express their oral or written views by appearing at this hearing, or they may submit written comments for inclusion in the official record of the hearing to the Regional Director at the above address by January 11, 1972.

M. A. MARSTON,  
Assistant to the Director, Bureau of Sport Fisheries and Wildlife.

OCTOBER 4, 1971.

[FR Doc. 71-14765 Filed 10-7-71; 8:48 am]

### Office of the Secretary GEOTHERMAL RESOURCES LEASING AND OPERATIONS

#### Notice of Public Hearing

The Department of the Interior published in the FEDERAL REGISTER on July 23, 1971 (36 F.R. 13722-13740), a notice of proposed leasing and operating regulations to implement the Geothermal Steam Act of 1970 (30 U.S.C. §§ 1001-1025 (1970)). That Act provides for the leasing of public lands for geothermal resource exploration, development, and production.

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C) (1970)), the Department has prepared a "Draft Environmental Statement for the Geothermal Leasing Program" with respect to: (a) The adoption of leasing and operating regulations, pursuant to which the program will be administered, and (b) the leasing of federally owned geothermal resources in three specific areas in California: (1) Clear Lake-Geysers, (2) Mono Lake-Long Valley, and (3) Imperial Valley.

Copies of the draft statement are available for public inspection at the following locations:

Geothermal Coordinator's Office, Department of the Interior, Room 7000, Interior Building, Washington, D.C. 20240.

Bureau of Land Management public rooms in the following offices:

State Office, 555 Cordova Street, Anchorage, AK.

District Office, Lathrop Building, 516 Second Avenue, Fairbanks, AK.

State Office, Room 3022, Federal Building, Phoenix, Ariz.

State Office, Federal Office Building, 2800 Cottage Way, Sacramento, CA.

District Office, 1414 University Avenue, Riverside, CA.

State Office, Room 700, Colorado State Bank Building, 600 Broadway, Denver, CO.

Eastern States Land Office, 7981 Eastern Avenue, Silver Spring, MD.

State Office, Room 334, Federal Building, 550 West Fort Street, Boise, ID.

State Office, Federal Building and U.S. Court House, 316 North 26th Street, Billings, MT.

State Office, Room 3003, Federal Building, 300 Booth Street, Reno, NV.

State Office, U.S. Post Office and Federal Building, South Federal Place, Santa Fe, N. Mex.

State Office, 729 Northeast Oregon Street, Portland, OR.

State Office, Federal Building, 125 South State, Salt Lake City, UT.

State Office, U.S. Post Office and Court House Building, 2170 Capital Avenue, Cheyenne, WY.

Outer Continental Shelf Office, Room T-9003, Federal Office Building, 701 Loyola Avenue, New Orleans, LA.

Notice is hereby given that public hearings will be held for the purpose of receiving comments, suggestions, or objections relating to the environmental impact of granting leases in the above areas, and the adoption of the leasing and operating regulations, on the following dates and at the following locations:

November 9, 1971—Federal Building, Bankruptcy Court Room, Room No. 4040, 300 Booth Street, Reno, NV.

November 10 and 11, 1971—Caravan Inn, Solarium Room, 2300 Auburn Boulevard, Sacramento, CA.

November 12, 1971—Bonneville Auditorium, No. 1002 Northeast Holladay, Portland, OR.

All hearings will commence at 9:30 a.m. Interested individuals, representatives of organizations and public officials wishing to appear at the hearings should contact the Director, Office of Hearings and Appeals, Department of the Interior, 4015 Wilson Boulevard, Arlington, VA 22203, phone 703-557-1500, no later than November 6, 1971. Written comments from those unable to attend, and from those wishing to supplement their oral presentations at the hearings, should be received by the Director, Office of Hearings and Appeals, at the aforesaid address on or before November 22, 1971. All written statements received pursuant to this notice will be included in the hearing record.

Oral statements at the hearings will be limited to a period of 10 minutes. To the extent that time is available after presentation of oral statements by those who have given advance notice, the hearing officer will give others present an opportunity to be heard.

Dated: October 5, 1971.

JAMES M. DAY,  
Director, Office of  
Hearings and Appeals.

[FR Doc. 71-14836 Filed 10-7-71; 8:51 am]

## DEPARTMENT OF AGRICULTURE

### Office of the Secretary

#### NATIONAL FOREST LAND DESCRIPTIONS

#### Boundary Changes; Correction

The following corrections are made in National Forest land descriptions published as general notices in the referenced issues of the FEDERAL REGISTER:

1. 36 F.R. 12119, June 25, 1971.

HOOSIER NATIONAL FOREST, IND.

T. 2 N., R. 2 W., Sec. 12, delete "NW, SW;" and substitute "NW, SW, SE;"

2. 36 F.R. 16948, August 26, 1971.

WAYNE NATIONAL FOREST, OHIO, OHIO  
COMPANY SURVEY

T. 6 N., R. 12 W., delete "and delete '35' from fractional secs."

*Effective date.* This order shall become effective on the date of its publication in the FEDERAL REGISTER.

T. K. COWDEN,  
Assistant Secretary.

OCTOBER 4, 1971.

[FR Doc.71-14772 Filed 10-7-71;8:48 am]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19260; FCC 71-1018]

### HANDLING OF PUBLIC ISSUES UNDER THE FAIRNESS DOCTRINE AND THE PUBLIC INTEREST STANDARDS OF THE COMMUNICATIONS ACT

#### Order Extending Time

1. The Commission has before it a motion filed by McClatchy Newspapers, asking that the time for filing comments on part IV of the above-captioned inquiry—"Access Generally to the Broadcast Media for the Discussion of Public Issues"—be extended from October 11 to December 10, 1971.

2. In support of its Motion, petitioner notes that Commission rulings relating to this part of the inquiry have recently been reversed by the U.S. Court of Appeals for the District of Columbia Circuit, that a petition for rehearing en banc is currently pending before the court, and that persons commenting on part IV of the inquiry are thus placed in the position of having to present alternative proposals—one to apply if the petition for rehearing is denied, the other to apply if the Commission prevails on rehearing. It submits that the court will probably have decided the matter on rehearing by December 10, thereby eliminating the need for an alternative presentation.

3. The reasons stated warrant grant of the requested extension of time.

4. In view of the foregoing: *It is ordered*, That the time for filing comments and reply comments on part IV of this inquiry is extended to December 10, 1971 and January 24, 1972, respectively, and that McClatchy Newspapers' Motion for Extension of Time is granted.

Adopted: October 1, 1971.

Released: October 4, 1971.

FEDERAL COMMUNICATIONS  
COMMISSION,<sup>1</sup>

[SEAL] BEN F. WAPLE,  
Secretary.

[FR Doc.71-14803 Filed 10-7-71;8:51 am]

<sup>1</sup> Commissioner Bartley absent; Commissioner Johnson concurring in the result.

[Dockets Nos. 19233 and 19234; FCC 71-1000]

### HELENA MARINE SERVICE, INC. AND W.J.G. INC.

#### Memorandum Opinion and Order Designating Applications for Con- solidated Hearing on Stated Issues

In re applications of Helena Marine Service, Inc., of Helena, Ark., for a Public Coast Class III-B radiotelephone station at Helena, Ark., Docket No. 19323, File No. 199-M-L-81; and W.J.G. Inc., of Memphis, Tenn., for a Public Coast Class III-B radiotelephone station at Maud, Miss., Docket No. 19324, File No. 95-M-L-71.

1. On August 6, 1971, Helena Marine Service, Inc. (Helena Marine) and on July 15, 1971, W.J.G. Inc. (W.J.G.) filed applications for a Public Coast Class III-B radiotelephone station license to operate at the Helena, Ark., and Maud, Miss., locality. This class of station provides public correspondence VHF radiotelephone communication service to ships.

2. Both applicants request authority to use the working frequency 162.0 Mc/s in the same locality. Neither applicant has made a showing of the need for two stations of this class in this one locality. Also, since both applications are for the same working frequency, and would cause destructive electrical interference by simultaneous co-channel operation, they are mutually exclusive.

3. Except for the issues hereinafter specified, both applicants are otherwise qualified. A hearing is needed to determine which application to grant.

4. *Accordingly, it is ordered*, That the above-entitled applications of Helena Marine and W.J.G. are designated for hearing at a time and place to be specified in a subsequent order on the following issues:

a. To determine which applicant will provide the public with the better Public Coast Class III-B station service, based on the following considerations:

- (1) Coverage area and its relation to the greatest number of potential users;
- (2) Hours of operation;
- (3) Ability to effectively provide public radio correspondence service and to participate in the maritime mobile radio safety system;
- (4) Rates and charges;
- (5) Qualifications of management, operators and other personnel;
- (6) Interconnection with landline facilities; and
- (7) Reliability and efficiency of service.

b. To determine in the light of the evidence adduced on all the foregoing issues, which application should be granted.

5. *It is further ordered*, That the burden of proceeding with the introduction of evidence on issue a is placed on each applicant insofar as the respective items pertain to each of these parties. Issue b is conclusory.

6. *It is further ordered*, That coverage areas will be computed on the basis of the information in Commission notice

of proposed rule making, Docket No. 18944, or any subsequent order in this proceeding.

7. *It is further ordered*, That to avail themselves of an opportunity to be heard, Helena Marine and W.J.G., pursuant to § 1.221(c) of the rules of the Commission, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission in triplicate a written appearance stating an intention to appear on the date set for hearing and present evidence on the issues specified in this order. Pursuant to § 1.21(b) of the rules, the Chiefs of the Safety and Special Radio Services Bureau and the Common Carrier Bureau are parties to this proceeding.

Adopted: September 29, 1971.

Released: October 6, 1971.

FEDERAL COMMUNICATIONS  
COMMISSION,<sup>1</sup>

[SEAL] BEN F. WAPLE,  
Secretary.

[FR Doc.71-14804 Filed 10-7-71;8:51 am]

[Docket No. 19183]

### TELEVISION BROADCAST RECEIVERS AND FM TRANSMITTERS

#### Order Extending Time

In the matter of inquiry into performance of television broadcast receivers and location of transmitters to alleviate interference to television reception, Docket No. 19183.

1. In a notice of inquiry<sup>2</sup> adopted on March 24, 1971, the Commission instituted the above-captioned proceeding. The notice sets out July 1, 1971, as the timely date for filing comments. By an order<sup>3</sup> the date for filing comments was extended to October 1, 1971.

2. By its petition, dated September 20, 1971, the Consumer Electronics Group of the Electronic Industries Association (EIA) has requested that the time for filing comments in this proceeding be further extended to December 1, 1971.

3. Noting that the notice of inquiry resulted in the generation, by eight manufacturers, of over 700 pages of data covering a multiplicity of monochrome and color television receiver models, EIA stated that these data cover selected parameters identified in paragraph 9(d) of the notice, plus a parameter called "Subjective Test for TV Receiver Interference Susceptibility." EIA also stated that data for these parameters were taken using a common method of measurement worked out at several industry-wide meetings in order that the necessary information would be directly comparable from manufacturer to manufacturer.

4. The EIA further stated that the preparation of this quantity of data, not

<sup>1</sup> Commissioner Bartley absent; Commissioner Johnson concurring in the result.

<sup>2</sup> 36 F.R. 6459, April 3, 1971; paragraph 9(c) corrected in 36 F.R. 7029, April 13, 1971.

<sup>3</sup> 36 F.R. 12806, July 7, 1971.

practical for analyzing statistically by manual methods, are being prepared for electronic data processing. EIA noted that key punching and computer time, plus the study and evaluation of the resulting composite charts necessary to answer other questions raised in the notice of inquiry is not possible within the October 1, 1971, deadline for comments. EIA believes that an extension of time that permits information presentation in a form readily usable by the Commission is in line with the notice of inquiry.

5. As stated in the order referenced above, the Commission needs both complete and fully informative data on which to base a decision as to whether or not new rules can be formulated for alleviating the complex TV interference problems outlined in its notice. In light of the argument in the instant petition, the Commission is persuaded that a further extension of the time for filing comments in this proceeding will produce information of the quality it requires.

6. Therefore, it is ordered, That, pursuant to the provisions in § 0.251(b) of the Commission's rules and regulations, the time in which interested parties may file comments in response to the notice in the instant proceeding is extended from October 1, 1971, to December 1, 1971, and the subject petition is hereby granted.

Adopted: September 30, 1971.

Released: September 30, 1971.

[SEAL] RICHARD E. WILEY,  
General Counsel.

[FR Doc.71-14802 Filed 10-7-71;8:51 am]

## FEDERAL DEPOSIT INSURANCE CORPORATION

### INSURED BANKS

#### Joint Call for Report of Condition

Pursuant to the provisions of section 7(a)(3) of the Federal Deposit Insurance Act, as amended (12 U.S.C. 1817(a)(3)), each insured bank is required to make a Report of Condition as of the close of business September 30, 1971, to the appropriate agency designated herein, within 10 days after notice that such report shall be made: *Provided*, That if such reporting date is a nonbusiness day for any bank, the preceding business day shall be its reporting date.

Each national bank and each bank in the District of Columbia shall make its original Report of Condition on Office of the Comptroller Form, Call No. 479,<sup>1</sup> and shall send the same to the Comptroller of the Currency, and shall send a signed and attested copy thereof to the Federal Deposit Insurance Corporation. Each insured State bank which is a member of the Federal Reserve System, except a bank in the District of Columbia, shall make its original Report of Condition on Federal Reserve Form 105—Call 201,<sup>2</sup> and shall send the same to the Fed-

eral Reserve Bank of the District wherein the bank is located, and shall send a signed and attested copy thereof to the Federal Deposit Insurance Corporation. Each insured State bank not a member of the Federal Reserve System, except a bank in the District of Columbia and a mutual savings bank, shall make its original Report of Condition on FDIC Form 64—Call No. 97,<sup>3</sup> and shall send the same to the Federal Deposit Insurance Corporation.

The original Report of Condition required to be furnished hereunder to the Comptroller of the Currency and a copy thereof required to be furnished to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for preparation of Consolidated Reports of Condition by National Banking Associations," dated November 1970, and any amendments thereto.<sup>1</sup> The original Report of Condition required to be furnished hereunder to the Federal Reserve Bank of the District wherein the bank is located and the copy thereof required to be furnished to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for the preparation of Reports of Condition by State Member Banks of the Federal Reserve System," dated December 1970, and any amendments thereto.<sup>2</sup> The original Report of Condition required to be furnished hereunder to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for the preparation of Report of Condition on Form 64 by insured State banks not members of the Federal Reserve System," dated December 1970, and any amendments thereto.<sup>3</sup>

Each insured mutual savings bank not a member of the Federal Reserve System shall make its original Report of Condition on FDIC Form 64 (Savings),<sup>2</sup> prepared in accordance with "Instructions for the preparation of Report of Condition on Form 64 (Savings) and Report of Income and Dividends on Form 73 (Savings) by Mutual Savings Banks," dated December 1962, and any amendments thereto,<sup>3</sup> and shall send the same to the Federal Deposit Insurance Corporation.

[SEAL] FRANK WILLE,  
Chairman, Federal Deposit  
Insurance Corporation.

WILLIAM B. CAMP,  
Comptroller of the Currency.

J. L. ROBERTSON,  
Vice Chairman, Board of Gov-  
ernors of the Federal Reserve  
System.

[FR Doc.71-14766 Filed 10-7-71;8:48 am]

## FEDERAL MARITIME COMMISSION

### CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

#### Notice of Certificates Revoked

Notice of voluntary revocation is hereby given with respect to Certificates of

Financial Responsibility (Oil Pollution) which had been issued by the Federal Maritime Commission, covering the below-indicated vessels, pursuant to Part 542 of Title 46 CFR and section 11(p) (1) of the Federal Water Pollution Control Act, as amended.

Certificate No.	Owner/Operator and Vessels
01022---	Smedvig Tankrederi A/S, Managers Feder Smedvig: Venator.
01054---	Wilhelm Wilhelmsen: Tancred.
01032---	The New Zealand Shipping Co., Ltd.: Rakala, Devon, Nottingham.
01200---	A/S Lukrefjell and A/S Rudolf: Ternefjell, Haukefjell.
01202---	A/S Rudolf: Ornefjell.
01302---	Boston Fuel Transportation, Inc.: Erie.
01306---	Shaw Savill & Albion Co., Ltd.: Akaroa.
01326---	Sabine Towing & Transportation Co., Inc.: STCO 127.
01383---	Mariehams Rederi Ab, Mariehamn: Kungo, Grano.
01412---	Shipping Developments Corp., Panama: Dellan Appollon, Santa Ann, Santa Fotina, Dellan Spirit, Dellan Leto, Delphic Miracle.
01430---	Tankers, Ltd.: Athellakrd.
01004---	Waterman Steamship Corp.: Fanwood.
01946---	Overseas Towing & Salvage Co., Ltd.: Salvonia.
01081---	Ab Svenska Orient Linien: Tavastland.
02152---	A. P. Klaveness & Co. A/S as Agents: Liberville, Bonneville.
02210---	American Mail Line, Ltd.: Japan Mail, Philippine Mail, Washington Mail.
02332---	Lykes Bros. Steamship Co., Inc.: Harry Culbreath, Ruth Lykes O.Z.
02477---	American Dredging Co.: S-101, S-102.
02536---	Marinfarte Compania Naviera S.A. of Panama: Khios Star.
02551---	Ellerman Lines, Ltd.: City of Eastbourne, City of Fort Elizabeth, City of York.
02649---	Schiffahrtsgesellschaft Friesecke K. G.: Helga Friesecke.
02771---	Philtankers, Inc.: Amy Multina.
02877---	Nippon Yusen Kabushiki Kaisha (The Japan Mail Steamship Co., Ltd.): Atsuta Maru, Nagara Maru.
02958---	Kawasaki Kisen K.K.: Yukikawa Maru.
02977---	J. Ray McDermott & Co., Inc.: Gulf Giant 380.

<sup>1</sup> Filed as part of original document.



Certificate No.	Owner/Operator and Vessels
02981---	The Jayanti Shipping Co., Ltd.: Thuleland.
02990---	Tota Shipping Co. S.A., Panama: Northern Venture.
03057---	British India Steam Navigation Co., Ltd.: Bankura. Barpeta. Bombala.
03256---	Upper Mississippi Towing Corp.: Ellis 2008.
03397---	Hilmar Reksten: T/T Arrian.
03418---	Dalichi Senpaku K.K.: Peking Maru.
03441---	Japan Line K.K.: Koku Maru. Long Beach Maru.
03484---	Sanko Kisen K.K.: Kokko Maru.
03501---	Osaka Shosen Mitsui Senpaku K.K.: Tatsutasan Maru.
03690---	The Harbor Tug and Barge Co.: Barge Adak. Barge Kiska.
03923---	Shinwa Kaifu Kaisha, Ltd.: Toryu Maru.
04198---	Megaron Shipping, Ltd.: Vega.
04357---	Koninklijke Nedlloyd N.V.: Zeeland.
04391---	Columbia Steamship Co., Inc.: Columbia Mariner. Columbia Banker.
04406---	Alter Co.: Phyllis.
04436---	Barge Rentals, Inc.: TC-5.
04473---	Toto Gyogyo Kabushiki Kaisha: Tosulmaru No. 3.
04525---	Genkai Suisan Yuugen Kaisha: Genkaimaru No. 18.
04580---	Marine Transport Lines, Inc.: Marian P. Billups.
04594---	The Valley Line Co.: M/V 201. M/V 206.
04623---	Vancouver Tug Boat Co., Ltd.: P. B. 12.
04768---	Texaco Overseas Tankship, Ltd.: Texaco Bahrain.
05017---	Amerada Hess Corp.: J. T. S. 600. J. T. S. 200.
05131---	Arpp Maj-ost Linie G.m.b.h., Bremen: Albreo.
05354---	Reyes & Lim Co., Inc.: Alkene.
05598---	Pateras Brothers, Ltd.: Ardena.
M-05688	Southern Scrap Material Co., Ltd.: Vessels held for purposes of construction, scrapping or sale, but not including vessels over 8,000 gross tons.
05735---	Solstad Rederi A/S, Skips A/S Solhav & Co., Skips A/S Soltun & Co., Skips A/S Solnes & Co., Skips A/S Solborg & Co.: Soldrott. Solnich.
05763---	Towa Senpaku K.K.: Yowa Maru.
05764---	Cerrahogullari Umumi Nakliyat Ve Ticaret: Nadir.
05860---	Sea Bird Navigation Corp.: Sea Falcon.

Certificate No.	Owner/Operator and Vessels
01935---	Interessentskab Mellem Akteselskab Dampskibsselskab Svendborg & Damp . . . AF 1912 Akteselskab: Laust Maersk.

By the Commission.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc.71-14777 Filed 10-7-71;8:49 am]

### SAN FRANCISCO PORT COMMISSION AND CALIFORNIA STEVEDORE AND BALLAST CO.

#### Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

#### Notice of agreement filed by:

Miss Miriam E. Wolff, Port Director, Port of San Francisco, Ferry Building, San Francisco, Calif. 94111.

Agreement No. T-2563, between the San Francisco Port Commission (Port) and California Stevedore and Ballast Co. (CS&B), is a cooperative working arrangement providing for the operation by CS&B of an off-dock consolidation freight station (CFS) at San Francisco, Calif. CS&B will be compensated for certain costs plus 50 percent of any profits made by the operation. Profits will be determined after payment of a space

charge of 2 cents per square foot per month for actual space utilized. The Port will publish such tariffs as the service requires. A charge will be made in lieu of wharfage for all cargo not destined for piers in San Francisco but moving from a Distribution Center to the CFS.

Dated: October 4, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc.71-14778 Filed 10-7-71;8:49 am]

### FEDERAL POWER COMMISSION

[Docket No. CP72-69]

#### EL PASO NATURAL GAS CO.

#### Notice of Application

SEPTEMBER 30, 1971.

Take notice that on September 20, 1971, El Paso Natural Gas Co. (applicant), Post Office Box 1492, El Paso, TX 79978, filed an application in Docket No. CP72-69 pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities and the exchange of natural gas with Northern Natural Gas Co. (Northern), all as set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it has entered into a Gas Exchange Agreement with Northern dated August 31, 1971, which provides for the exchange, on a best efforts basis, of up to 50,000 Mcf of natural gas per day. Northern has supplies of natural gas available in excess of its treating plant capacity in the Gomez Field area of Pecos County, Tex., which are necessary in the operation of its system, and applicant has, at certain times, excess capacity in its 24-inch Gomez-Waha pipeline and at its Waha Treating Plant which it can utilize to accept and treat such supplies available to Northern.

Under the agreement, Northern will deliver up to 50,000 Mcf per day to applicant in the Gomez Field for transportation to and treating at El Paso's Waha Treating Plant in Reeves County, Tex. Northern will pay a negotiated rate of 2½ cents per Mcf for all gas delivered to applicant for treatment. A quantity of gas equivalent to the residue gas remaining after treatment, estimated to be a maximum of approximately 47,300 Mcf daily, will be delivered to Northern, through existing facilities, by Mobil Oil Corp., for the account of El Paso, at Mobil's Cayanosa Plant in Pecos County, Tex.

Applicant proposes to install at an estimated cost of \$8,500, a tap on its 24-inch Gomez-Waha pipeline, which cost will be paid for by Northern.



Any person desiring to be heard or to make any protest with reference to said application should on or before October 20, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.71-14779 Filed 10-7-71;8:49 am]

[Projects 485, 2177]

## GEORGIA POWER CO.

### Notice of Application for Approval of Exhibit R for Projects

OCTOBER 1, 1971.

Public notice is hereby given that application for approval of Exhibit R has been filed under the regulations under the Federal Power Act (16 U.S.C. 791a-825r) by Georgia Power Co. (correspondence to: Mr. I. S. Mitchell III, Vice President and Secretary, Georgia Power Co., Post Office Box 4545, Atlanta, GA 30302) as part of the licenses for Bartlett's Ferry Dam Project No. 485 and Middle Chattahoochee Project No. 2177 (referred to collectively in the application as the Columbus Unit) located on the Chattahoochee River in Lee, Russell, and Chambers Counties, Ala., and Muscogee and Harris Counties, Ga.

According to the Exhibit R, the licensee plans to provide initially: (1) A boat ramp on Lake Oliver over privately owned land, including a double concrete ramp, parking, and sanitary facilities; (2) a 10 acre park area on Goat Rock Reservoir, including concrete boat ramps,

parking, camping, sanitary, and picnicking facilities; (3) a .35-acre boat ramp area on Bartlett's Ferry Reservoir at Idlehour Point, including a double concrete boat ramp, parking, and sanitary facilities; and (4) a 15-acre area on Bartlett's Ferry Reservoir, including boat ramps, parking, picnicking, camping, and sanitary facilities. In the future the licensee plans to develop: 20 acres at Goat Rock Reservoir for camping and picnicking, as well as 11 acres at Bartlett's Ferry Reservoir, 50 acres at Oliver Reservoir, 9 acres at Goat Rock Reservoir, and 101 acres at Bartlett's Ferry Reservoir for which acreages the facilities are as yet undetermined.

Any person desiring to be heard or to make any protest with reference to said applications should on or before December 10, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.71-14780 Filed 10-7-71;8:49 am]

[Docket No. E-7605]

## IDAHO POWER CO.

### Notice of Application

SEPTEMBER 30, 1971.

Take notice that on September 16, 1971, Idaho Power Co., (applicant) filed an application seeking an order pursuant to section 204 of the Federal Power Act authorizing the issuance and renewal of short-term unsecured promissory notes to provide a continuing outstanding short-term borrowing authorization aggregating \$60 million. The notes are to be issued from time to time to commercial banks or similar institutions and will mature within 1 year from their dates of issuance. The final maturity date of any of said notes will be no later than December 31, 1973.

Applicant states that the purpose for which the proposed notes will be issued, is to obtain temporary, interim capital for the construction, extension and improvement of its operating facilities. Such expenditures are estimated at \$74,886,000 for the period August 1, 1971, to December 31, 1972, and include \$43,656,000 for generating stations, \$11,838,000 for transmission lines, \$2,274,000 for transmission substations, \$14,500,000 for distribution lines and substations and \$2,618,000 for general equipment. The remaining funds required for this program will be generated internally by applicant.

Applicant is incorporated under the laws of the State of Maine with its principal business office at Boise, Idaho, and is authorized to do business in the States of Idaho, Oregon, Nevada, and Wyoming.

Any person desiring to be heard or to make any protest with reference to said application should, on or before October 22, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.71-14781 Filed 10-7-71;8:49 am]

[Docket No. RP71-107]

## NORTHERN NATURAL GAS CO.

### Notice of Proposed Settlement of Priority of Service Phase of This Proceeding

OCTOBER 1, 1971.

Take notice that on September 27, 1971, Northern Natural Gas Co. (Northern) tendered for filing, under § 1.18(e) of the Commission's rules of practice and procedure, a motion requesting approval of a Stipulation and Agreement and a Stipulation and Agreement. The tender proposes resolution of the issues involved in the priority of service phase of this proceeding (Phase I) on the basis of the Stipulation and Agreement.

Northern, on April 26, 1971, tendered for filing proposed changes in its jurisdictional tariff that, among other things, would increase its rates and charges and would alter its curtailment procedures. By order issued May 26, 1971, the Commission, inter alia, suspended the proposed changes until October 27, 1971, and ordered a separate hearing to be held on the proposed changes in Northern's curtailment procedures. Hearings in the Phase I proceeding commenced on June 15, 1971, and concluded on September 15, 1971. During the course of those hearings, conferences were held between the parties in an attempt to settle the issues involved in the Phase I hearing. The Stipulation and Agreement is the result of those conferences, but may not be supported by all parties.

Under the proposed settlement, Northern will have the right to reduce deliveries of gas below contract demand to protect deliveries to residential, small volume commercial and industrial customers under the conditions set forth in Substitute First Revised Sheet No. 59, paragraph 9.1 of the General Terms and

Conditions in Northern's F.P.C. The proposal sets forth curtailment procedures for the periods (1) October through April, and (2) May through September.

During the period October through April, curtailment of deliveries to Northern's CD-1 rate schedule customers will be effectuated under paragraph 9.2 on the basis of a percentage of contract demand for a billing group, which percentage will not result in an entitlement of less than 60 percent of the billing group contract demand except as specified in paragraph 9.4. The procedures in paragraph 9.2 is directed toward curtailing "EG Plant Sales", which is defined as gas volumes used for electrical generation (excluding contract demand volumes for plants listed in Northern's tariff effective March 5, 1971) whose total fuel input requirements equals or exceeds 200 Mcf equivalent on any given day; however, for the period ending October 26, 1972, the fuel input requirement is 5,000 Mcf, and for the period October 27, 1972, through October 26, 1973, total requirements are 2,000 Mcf per day. Curtailment under paragraph 9.4 permits Northern to further reduce deliveries to its CD-1 rate schedule customers, if needed, by curtailing sales to large volume interruptible consumers (200 Mcf or more per day) as a percentage of billing group contract demand.

During the period May through September, the curtailment procedure is specified under paragraph 9.3 and is a straight percentage curtailment of a billing group's contract demand after deducting the first 2,000 Mcf demand. Curtailment thereunder will not exceed 15 percent and is applicable to customers purchasing under rate schedules CD-1 and PL-1. If additional volumes are needed for curtailment during the May through September period, the curtailment procedures set forth for October through April (set out above) will be utilized.

Curtailment will be effectuated by operational areas on a uniform basis. Curtailment to Northern's rate schedule PL-1 customers may be offset through the procedures set forth in the offset agreement attached as "Appendix B" to Northern's motion.

Penalty provisions are placed in effect when customers make sales of gas to "EG Plants" in excess of the volume of billing group contract demand authorized for delivery on any day that curtailment is called. Additionally, when Northern places in effect the curtailment procedures under paragraph 9.4, the customer curtailed will have its demand charge reduced and that reduction will be added to the commodity charge for sales to all customers during that month. No demand charge adjustment will be made when curtailment is ordered under paragraphs 9.2 and 9.3.

Any "EG Plant" volumes connected after the date of approval of this proposal will not be counted in the volumes permitted in any billing group's contract demand entitlements on any day curtailment is called by Northern.

In addition, the settlement requires Northern to file tariff sheets for interruptible overrun gas purchases under rate schedules AOS-1 and PO-1, which are attached as "Appendix C" to Northern's motion.

The above recitation describes, in part, the provisions of the motion and the Stipulation and Agreements. The motion and the Stipulation and Agreement are on file with the Commission and available for public inspection.

Northern states that copies of its motion and the Stipulation and Agreement have been served by mail upon all parties of record in this proceeding as well as upon its jurisdictional customers and all interested State Commissions.

Any person desiring to be heard with reference to this filing should on or before October 22, 1971, file with the Federal Power Commission, Washington, D.C. 20426, comments in support of, or opposition to, the proposed Stipulation and Agreement. Those persons who file comments may file a response to the comments of others on or before November 3, 1971.

Any order issued in this proceeding will be subject to the Commission's Statement of Policy Implementing the Economic Stabilization Act of 1970 (Public Law 91-379, 84 Stat. 799, as amended by Public Law 92-15, 85 Stat. 38) and Executive Order 11615 including such amendments as the Commission may require.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.71-14782 Filed 10-7-71;8:49 am]

[Docket No. RP72-41]

### WESTERN TRANSMISSION CORP.

#### Notice of Proposed Change in Rate

SEPTEMBER 30, 1971.

Take notice that Western Transmission Corp. (Western), on September 17, 1971, tendered for filing second revised sheet No. 4 to its FPC gas tariff, original volume No. 1, and proposed to make such sheet effective upon issuance of an order granting application for an amendment to its presently effective certificate of public convenience and necessity concurrently filed with the proposed rate change or as early as permitted under Executive Order No. 11615, whichever is later. Under Western's present certificate authorization the company's rate for sales to its only customer, Colorado Interstate Gas Co. (CIG) may not exceed the rate of one of its suppliers then in effect (U.S. Natural Resource's rate) plus an additor of 5 cents for transportation. Western seeks to increase that spread from 5 cents to 9 cents. Copies of the filing have been served upon its customer.

Any person desiring to be heard or to make protest with reference to said tender should on or before October 18, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accord-

ance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing herein must file applications to intervene in accordance with the Commission's rules. The tender is on file with the Commission and available for public inspection.

Any order or orders issued in this proceeding will be subject to the Commission's Statement of Public Policy Implementing the Economic Stabilization Act of 1970 (Public Law 91-379, 84 Stat. 799, as amended by Public Law 92-15, 85 Stat. 38) and Executive Order 11615, including such amendments as the Commission may require.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.71-14783 Filed 10-7-71;8:49 am]

## FEDERAL RESERVE SYSTEM

### INSURED BANKS

#### Joint Call for Report of Condition

CROSS REFERENCE: For a document relating to a joint call for report of condition of insured banks, see F.R. Doc. 71-14766, Federal Deposit Insurance Corporation, *supra*.

## INTERAGENCY TEXTILE

### ADMINISTRATIVE COMMITTEE

#### CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE FEDERATIVE REPUBLIC OF BRAZIL

#### Entry or Withdrawal From Warehouse for Consumption

SEPTEMBER 28, 1971.

On October 23, 1970, the U.S. Government, in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, concluded a new comprehensive bilateral cotton textile agreement with the Government of the Federative Republic of Brazil concerning exports of cotton textiles and cotton textile products from the Federative Republic of Brazil to the United States over a 5-year period beginning on October 1, 1970, and extending through September 30, 1975. Among the provisions of the agreement are those establishing an aggregate limit for the 64 Categories, group limits, and within the group limits specific limits on Categories 1-4, 9, 18/19 and part of 26 (printcloth), 23/23, 24, part of 26/27 (duck), part of 26/27 (other than printcloth and duck), part of 30/31,

50, 51, 55, and part of 64 for the second agreement year beginning October 1, 1971.

Accordingly, there is published below a letter of September 28, 1971, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that the amounts of cotton textiles and cotton textile products in Categories 1-4, 9, 18/19 and part of 26 (printcloth), 22/23, 24, part of 26/27 (duck), part of 26/27 (other than printcloth and duck), part of 30/31, 50, 51, 55, and part of 64 produced or manufactured in the Federative Republic of Brazil which may be entered or withdrawn from warehouse for consumption in the United States for the 12-month period beginning October 1, 1971, and extending through September 30, 1971, be limited to the designated levels. The letter published below and the actions pursuant thereto are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

STANLEY NEHMER,  
Chairman, Interagency Textile  
Administrative Committee,  
and Deputy Assistant Secretary  
for Resources.

PRESIDENT'S CABINET TEXTILE ADVISORY  
COMMITTEE

COMMISSIONER OF CUSTOMS,  
Department of the Treasury,  
Washington, D.C. 20226.

SEPTEMBER 28, 1971.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of October 23, 1970, between the Governments of the United States and the Federative Republic of Brazil, and in accordance with Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective October 1, 1971, and for the 12-month period extending through September 30, 1972, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 1-4, 9, 18/19 and part of 26 (printcloth), 22/23, 24, part of 26/27 (duck), part of 26/27 (other than printcloth and duck), part of 30/31, 50, 51, 55, and part of 64 produced or manufactured in the Federative Republic of Brazil, in excess of the following levels of restraint:

Category	12-Month levels of restraint
1-4 -----pounds--	6,847,826
9 -----square yards--	12,600,000
18/19 and part of 26 (printcloth) <sup>1</sup> -----do-----	11,025,000
22/23 -----do-----	4,725,000
24 -----do-----	2,100,000
Part of 26/27 (duck) <sup>2</sup> -----do-----	2,625,000
Part of 26/27 (other than printcloth and duck) <sup>1,2</sup> -----do-----	6,825,000
Part of 30/31 <sup>2</sup> -----pieces--	6,034,482
50 -----dozen-----	41,299
51 -----do-----	35,400
55 -----do-----	14,411

Category	12-Month levels of restraint
Part of 64 (only T.S.U.S.A. Nos.: 366.6500 and 386.2500) -----pounds--	228,261

<sup>1</sup>In Category 26, the T.S.U.S.A. numbers for printcloth are:

320...34	326...34
321...34	327...34
322...34	328...34

<sup>2</sup>The T.S.U.S.A. Nos. for duck are:

320...01 through 04, 06, 08
321...01 through 04, 06, 08
322...01 through 04, 06, 08
326...01 through 04, 06, 08
327...01 through 04, 06, 08
328...01 through 04, 06, 08

<sup>3</sup>All of Categories 30 and 31 except T.S.U.S.A. No. 366.2740.

In carrying out this directive, entries of cotton textiles and cotton textile products in the above categories, produced or manufactured in the Federative Republic of Brazil, which have been exported to the United States from the Federative Republic of Brazil prior to October 1, 1971, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the period October 1, 1970 through September 30, 1971. In the event that the above levels of restraint have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of October 23, 1970, between the Governments of the United States and the Federative Republic of Brazil which provide, in part, that within the aggregate limit and group limits, the limitations on specific categories may be exceeded by not more than 5 percent; for the limited carryover of shortfalls in certain categories to the next agreement year; and for administrative arrangements. Any appropriate adjustments pursuant to the provisions of the bilateral agreement referred to above, will be made to you by letter from the Chairman of the Interagency Textile Administrative Committee.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Federative Republic of Brazil and with respect to imports of cotton textiles and cotton textile products from the Federative Republic of Brazil have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. V, 1965-69). This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

MAURICE H. STANS,  
Secretary of Commerce, Chairman,  
President's Cabinet Textile Advisory Committee.

[FR Doc.71-14769 Filed 10-7-71;8:48 am]

# CERTAIN COTTON TEXTILES AND COTTON TEXTILES PRODUCTS PRO- DUCED OR MANUFACTURED IN THE UNITED ARAB REPUBLIC

## Entry or Withdrawal From Warehouse for Consumption

SEPTEMBER 28, 1971.

On October 5, 1970, the Government of the United States, in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, concluded a new comprehensive bilateral cotton textile agreement with the United Arab Republic, concerning exports of cotton textiles and cotton textile products from the United Arab Republic to the United States over a 3-year period beginning on October 1, 1970, and extending through September 30, 1973. Among the provisions of the agreement are those establishing an aggregate limit for the 64 Categories and within the aggregate limit specific limits on Categories 1/2, 3/4, 9/26, and 16/21/22/27 for the second agreement year beginning on October 1, 1971.

Accordingly, there is published below a letter of September 28, 1971 from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that the amounts of cotton textiles in the above categories produced or manufactured in the United Arab Republic which may be entered or withdrawn from warehouse for consumption in the United States for the 12-month period beginning October 1, 1971, be limited to the designated levels. The letter published below and the actions pursuant thereto are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

STANLEY NEHMER,  
Chairman, Interagency Textile  
Administrative Committee,  
and Deputy Assistant Secretary  
for Resources.

PRESIDENT'S CABINET TEXTILE ADVISORY  
COMMITTEE

COMMISSIONER OF CUSTOMS,  
Department of the Treasury,  
Washington, D.C. 20226.

SEPTEMBER 28, 1971.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of October 5, 1970, between the Governments of the United States and the United Arab Republic, effected by an exchange of notes between the Government of the United States and the Government of India representing the interests of the United Arab Republic, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective October 1, 1971, and for the 12-month period extending through

September 30, 1972, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles in Categories 1/2, 3/4, 9/26, and 16/21/22/27, produced or manufactured in the United Arab Republic, in excess of the following levels of restraint:

Category	12-month level of restraint
1/2 -----	3,360,000 pounds (of which not more than 3,150,000 pounds may be in Category 1, and not more than 420,000 pounds may be in Category 2).
3/4 -----	630,000 pounds (of which not more than 63,000 pounds may be in Category 4).
9/26 -----	31,500,000 square yards (of which not more than 26,250,000 square yards may be in Category 9, and not more than 10,500,000 square yards may be in Category 26).
16/21/22/27 -----	9,450,000 square yards (of which not more than 3,412,500 square yards may be in Category 16, not more than 3,675,000 square yards may be in Category 21, not more than 3,675,000 square yards may be in Category 22 and not more than 2,047,500 square yards may be in Category 27).

In carrying out this directive, entries of cotton textiles in the above categories, produced or manufactured in the United Arab Republic, which have been exported to the United States from the United Arab Republic prior to October 1, 1971, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the period October 1, 1970 through September 30, 1971. In the event that the above levels of restraint have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of October 5, 1970 between the Governments of the United States and the United Arab Republic which provide in part for the limited carryover of shortfalls in certain categories to the next agreement year; and for administrative arrangements. Any appropriate adjustments pursuant to the provisions of the bilateral agreement referred to above will be made to you by letter from the Chairman of the Interagency Textile Administrative Committee.

A detailed description of the Categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the United Arab Republic and with respect to imports of cotton textiles

from the United Arab Republic have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such action, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. V, 1965-69). This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

MAURICE H. STANS,  
Secretary of Commerce, Chairman,  
President's Cabinet Textile Ad-  
visory Committee.

[FR Doc.71-14768 Filed 10-7-71;8:48 am]

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 71-10]

### VARIOUS FINAL ENVIRONMENTAL IMPACT STATEMENTS

#### Notice of Availability

Notice is hereby given of the public availability of final Environmental Impact Statements with respect to the following installations of the National Aeronautics and Space Administration:

- (a) John F. Kennedy Space Center, Kennedy Space Center, Fla.
- (b) Manned Spacecraft Center, Houston, Tex.

Each of these separate Installation Statements describes the respective installation, its mission and operations.

Comments on the draft Environmental Statements for the above installations were previously solicited from State and local agencies and members of the public through notices in the FEDERAL REGISTER of March 1, 1971 and April 21, 1971.

Copies of the draft statements were sent to the Office of Management and Budget, the Council on Environmental Quality, and the Environmental Protection Agency.

Copies of the final statements are being furnished to the Council on Environmental Quality and the Office of Management and Budget.

Copies of the final statements may be purchased (price \$1 each) or examined at any of the following locations:

- (a) National Aeronautics and Space Administration, Public Documents Room (Room 126), Independence Avenue SW., Washington, DC 20546.
- (b) Ames Research Center, NASA (Building 201, Room 17), Moffett Field, Calif. 94035.
- (c) Flight Research Center, NASA (Building 4800, Room 1017), Post Office Box 273, Edwards, CA 93523.
- (d) Goddard Space Flight Center, NASA (Building 8, Room 150), Greenbelt, Md. 20771.
- (e) John F. Kennedy Space Center, NASA (Headquarters Building, Room 1207), Kennedy Space Center, Fla. 32899.
- (f) Langley Research Center, NASA (Building 1219, Room 304), Hampton, Va. 23365.
- (g) Lewis Research Center, NASA (Administration Building, Room 120), 21000 Brookpark Road, Cleveland, OH 44135.
- (h) Manned Spacecraft Center, NASA (Building 1, Room 136), Houston, Tex. 77058.

(i) George C. Marshall Space Flight Center, NASA (Building 4200, Room G-11), Huntsville, Ala. 35812.

(j) Mississippi Test Facility, NASA (Building 1100, Room A-213), Bay St. Louis, Miss. 39520.

(k) NASA Pasadena Office (Jet Propulsion Laboratory, Building 180, Room 600), 4800 Oak Grove Drive, Pasadena CA 91103.

(l) Wallops Station, NASA (Library Building, Room E-103), Wallops Island, Va. 23337.

Done at Washington, D.C., this 29th day of September 1971.

By direction of the Administrator.

HOMER E. NEWELL,  
Associate Administrator, Na-  
tional Aeronautics and Space  
Administration.

[FR Doc.71-14787 Filed 10-7-71;8:50 am]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 1-4692]

### FAS INTERNATIONAL, INC.

#### Order Suspending Trading

OCTOBER 1, 1971.

The common stock, 2 cents par value, and the 5 percent convertible subordinated debentures due 1989 of FAS International, Inc., being traded on the New York Stock Exchange, Inc., pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of FAS International, Inc., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15 (c) (5) and 19(a) (4) of the Securities Exchange Act of 1934, that trading in such securities on the above-mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period October 4, 1971, through October 13, 1971.

By the Commission.

RONALD F. HUNT,  
Secretary.

[FR Doc.71-14736 Filed 10-7-71;8:45 am]

[70-5087]

### JERSEY CENTRAL POWER & LIGHT CO.

#### Notice of Proposed Issue and Sale of Bonds at Competitive Bidding

OCTOBER 4, 1971.

Notice is hereby given that Jersey Central Power & Light Co. (JCP&L), Madison Avenue at Punch Bowl Road, Morristown, NJ 07960, an electric utility subsidiary company of General Public Utilities Corp., a registered holding company, has filed an application with this

Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

JCP&L proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, \$25 million principal amount of First Mortgage Bonds, ----- percent Series due 2001. The interest rate (which will be a multiple of one-eighth of 1 percent) and the price (which will be not less than 100 percent nor more than 102.75 percent of the principal amount thereof) will be determined by the competitive bidding. The bonds will be issued under an Indenture, dated as of March 1, 1946, of JCP&L to First National City Bank, Successor Trustee, as heretofore supplemented and amended and as to be further supplemented and amended by a 20th Supplemental Indenture to be dated as of November 1, 1971, and which includes a prohibition until November 1, 1976, against refunding the issue with proceeds of funds borrowed at a lower interest cost.

The proceeds from the sale of the bonds will be used to pay, in full, JCP&L's short-term bank notes outstanding at the date of sale of the bonds. Such notes are expected to aggregate approximately \$12 million at the date of sale of the bonds. The proceeds from the sale of such notes have been or will be used for construction purposes. The balance of the proceeds will be used to partially finance JCP&L's 1971 construction program which is estimated at \$141,600,000. The proceeds from any premium resulting from the sale of the bonds will be used to finance the business of JCP&L, including the payment of expenses of this financing.

It is stated that the fees and expenses to be paid by JCP&L in connection with the issue and sale of the bonds are estimated at \$84,000 including counsel fees of \$25,500 and accountants' fees of \$4,700 and that the fees and expenses of counsel for the underwriters, to be paid by the successful bidders, will be supplied by amendment. It is further stated that the Board of Public Utility Commissioners of the State of New Jersey, the State commission of the State in which JCP&L is organized and doing business, has jurisdiction over the proposed issue and sale of bonds and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than October 26, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by

mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20 (a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL]

RONALD F. HUNT,  
Secretary.

[FR Doc.71-14737 Filed 10-7-71;8:45 am]

## INTERSTATE COMMERCE COMMISSION

### ASSIGNMENT OF HEARINGS

OCTOBER 5, 1971.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the official docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

Correction:

MC 109397 (Sub-No. 252), Tri-State Transit Co., in lieu of MC 109307 (Sub-No. 252), Tri-State Transit Co., assigned November 10, 1971, at the Offices of the Interstate Commerce Commission.

[SEAL]

ROBERT L. OSWALD,  
Secretary.

[FR Doc.71-14793 Filed 10-7-71;8:50 am]

### FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 5, 1971.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

#### LONG-AND-SHORT HAUL

FSA No. 42286—Newsprint paper to Chicago, Ill. Filed by Traffic Executive Association-Eastern Railroads, agent

(E. R. No. 3007), for interested rail carriers. Rates on newsprint paper, in carloads, as described in the application, from specified points in Quebec Canada, to Chicago, Ill. Grounds for relief—Water competition. Tariff—Supplement 16 to Canadian Freight Association tariff ICC 341. Rates are published to become effective on November 6, 1971.

By the Commission.

[SEAL]

ROBERT L. OSWALD,  
Secretary.

[FR Doc.71-14792 Filed 10-7-71;8:50 am]

[Notice 376]

### MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 4, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

#### MOTOR CARRIERS OF PROPERTY

No. MC 37523 (Sub-No. 6 TA), filed September 27, 1971. Applicant: GENE MCGINNIS, doing business as FREDONIA TRUCK LINE, Post Office Box 325, Fredonia, KS 66736. Applicant's representative: Leland M. Spurgeon, 308 Casson Building, Sixth and Topeka, Topeka, KS 66603. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Processed mill feed and feed ingredients, between points in Wilson and Montgomery Counties, Kans., and points in Missouri, Arkansas, Texas, Oklahoma, Nebraska, Colorado, and New Mexico, for 180 days. Supporting shipper: Archer Daniels Midland Co., 209 West Adams Street, Box 191, Fredonia, KS 66738. Send protests to: M. E. Taylor, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 501 Petroleum Building, Wichita, Kans. 67202.

No. MC 123744 (Sub-No. 6 TA), filed September 27, 1971. Applicant: BUTLER TRUCKING COMPANY, Post Office Box 44, Drifting, PA 16834. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101. Authority sought to operate as a common



carrier, by motor vehicle, over irregular routes, transporting: *Pipe conduit, or ducts or raceways, wrought iron or steel NMFC item 51190 and fittings thereof; and conduit pipe or tubing, welded steel, not exceeding 4 inches o.d.* (trade name—Electrical Metallic Tubing), unloaded by mechanical unloader furnished by the carrier: (1) From the plantsite and facilities of Jones & Laughlin Steel Corp. at New Kensington, Pa., to points in Maine, New Hampshire, Connecticut, Massachusetts, New Jersey, New York, Rhode Island, and Vermont; and (2) from the plantsite and facilities of Jones & Laughlin Steel Corp. at Niles, Ohio, to points in Maine, Connecticut, New Hampshire, Massachusetts, New Jersey, Rhode Island, New York, Pennsylvania, and Vermont, for 180 days. Supporting shipper: Jones & Laughlin Steel Corp., Conduit Products Division, 700 Constitution Boulevard, New Kensington, PA 15068. Send protests to: James C. Donaldson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2111 Federal Building, Pittsburgh, PA 15222.

No. MC 128215 (Sub-No. 7 TA), filed September 27, 1971. Applicant: MARTIN TRAILER TROTTERS, INC., 4038 Jefferson Highway, New Orleans, LA 70121. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from the plantsite of Yazoo Mobile Homes, Inc., at or near Yazoo City, Miss., to points in Alabama, Florida, Louisiana, Texas, Arkansas, Missouri, Tennessee, and West Virginia, for 180 days. Supporting shipper: Yazoo Mobile Homes, Inc., Yazoo City, Miss. 39194. Send protests to: Paul D. Collins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room T-4009 Federal Building, 701 Loyola Avenue, New Orleans, LA 70113.

No. MC 133966 (Sub-No. 12 TA), filed September 27, 1971. Applicant: NORTH EAST EXPRESS, INC., Post Office Box 61, Mountaintop, PA 18707. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, PA 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Modular housing units and component parts thereof*, from points in Columbia County, Pa., to Macon, Ga., Kalamazoo, Mich., and Springfield, Mass., for 150 days. Supporting shipper: Hercoform Inc., 910 Market Street, Wilmington, DE 19899. Send protests to: Paul J. Kenworthy, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 309 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 135963 (Sub-No. 1 TA), filed September 27, 1971. Applicant: J.T.F. SHUTTLE CO., INC., 345 Sandview Avenue, Bronx, NY 10472. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is sold, used or dealt in by mail order*

business houses, between New York, N.Y., commercial zone, White Plains, N.Y., Providence, R.I., Webster, Springfield, and Boston, Mass., under contract with Bevis Industries, and its subsidiaries, for 180 days. Supporting shipper: Bevis Industries, Inc., 607 Howard Building, Providence, R.I. 02903. Send protests to: Marvin Kampel, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, NY 10007.

No. MC 136026 TA, filed September 27, 1971. Applicant: AUGUST J. LIST, doing business as LIST TRUCKING, 198 North Street, Sun Prairie, WI 53590. Applicant's representative: Michael J. Wyngaard, 125 West Doty Street, Madison, WI 53703. Authority sought to operate as a *contraget carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal feeds, animal feed ingredients, vitamin and mineral premixes, livestock minerals, animal health medications, calf milk replacer, and animal health products*, from Madison, Wis., to points in North Dakota, South Dakota, Nebraska, Minnesota, Iowa, Illinois, Indiana, Michigan, and Ohio; and (2) *materials, equipment, ingredients and supplies* which are used in the manufacture, sale, production and distribution of the commodities named in part (1), from points in North Dakota, South Dakota, Nebraska, Minnesota, Iowa, Illinois, Indiana, Michigan, and Ohio, to Madison, Wis., for 180 days. Supporting shipper: T. C. Products Co., 6915 Raywood Road, Madison, WI 53713. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 139 West Wilson Street, Room 206, Madison, WI 53703.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.71-14794 Filed 10-7-71;8:50 am]

[Notice 762]

### MOTOR CARRIER TRANSFER PROCEEDINGS

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-73115. By order of September 29, 1971, the Motor Carrier Board approved the transfer to Comet Garment Carriers, Inc., New York, N.Y., of the operating rights in Certificate Nos. MC-127525 (Sub-No. 1) and MC-127525

(Sub-No. 3), issued September 11, 1967, and May 21, 1971, respectively, to Ernest Rosenbaum and Elsie Rosenbaum, a partnership, doing business as Comet Carriers, New York, N.Y., authorizing the transportation of materials and supplies used in the manufacture of ladies' coats and suits, and clothing hangers from Jersey City, N.J., to Amityville, N.Y., and from the plantsite of Greenlea Modes, Inc., at Hackensack, N.J., to New York, N.Y.; and ladies' coats and suits, on hangers, from Amityville, N.Y., to Jersey City, N.J., and from New York, N.Y., to the plantsite of Greenlea Modes, Inc., of Hackensack, N.J. Edward F. Bowes, 744 Broad Street, Newark, NJ 07102, attorney for applicants.

No. MC-FC-73125. By order of September 29, 1971, the Motor Carrier Board approved the transfer to W. G. Haulage Corp., Brooklyn, N.Y., of Certificate No. MC-123188 issued to Sclari Trucking & Warehouse, Inc., Brooklyn, N.Y., authorizing the transportation of: Plywood and hardboard, between specified points and areas in New York and New Jersey. William D. Traub, practitioner, 10 East 40th Street, New York, NY 10016.

No. MC-FC-73184. By order of September 30, 1971, the Motor Carrier Board approved the transfer to Terminal Transfer, Inc., Portland, Oreg., of Certificate No. MC-121525 (Sub-No. 2), issued November 21, 1969, to Snider Trucking Service, Inc., Ritzville, Wash., authorizing the transportation of: Heavy machinery, and building materials (except cement in bulk, in tank vehicles), between points in Washington. Lawrence V. Smart, Jr., 419 Northwest 23d Avenue, Portland, OR, for applicants.

[SEAL] ROBERT L. OSWALD,  
Secretary.  
[FR Doc.71-14795 Filed 10-7-71;8:50 am]

## SMALL BUSINESS ADMINISTRATION

### GUAM BUSINESS INVESTMENTS, INC.

#### Notice of Surrender of License To Operate as Small Business Investment Corporation

Notice is hereby given that Guam Business Investments, Inc., Agana, Guam, incorporated under the laws of the U.S. Territory of Guam on January 29, 1963, has surrendered its license (Number 12/12-0108) issued by the Small Business Administration on June 27, 1963.

Under the authority vested by the Small Business Investment Act of 1958, as amended, and pursuant to the regulations promulgated thereunder, the surrender of the license of Guam Business Investments, Inc., is hereby accepted and it is no longer licensed to operate as a small business investment company.

Dated: September 29, 1971.

A. H. SINGER,  
Associate Administrator for  
Operations and Investment.

[FR Doc.71-14740 Filed 10-7-71;8:46 am]

## DEPARTMENT OF LABOR

Employment Standards  
AdministrationMINIMUM WAGES FOR FEDERAL AND  
FEDERALLY ASSISTED CONSTRUCTIONModification to Area Wage Determination  
Decisions for Specified Localities in Certain States

Modification to area wage determination decisions for specified localities in, Illinois, Indiana, Maryland, Michigan, Arkansas, California, Colorado, Florida, Montana, New Jersey, New York, Ohio, Oklahoma, and Wisconsin.

Area wage determination decisions published in the FEDERAL REGISTER on the following dates:

Decision No.	Date
AM-1707, AM-1711, AM-1712, AM-1714, AM-1715, AM-1716, AM-1717, AM-1720, AM-1724, AM-1726, AM-1727, AM-1729, AM-1730, AM-1736	Aug. 11, 1971
AM-331, AM-332, AM-341, AM-343, AM-351, AM-352, AM-353, AM-355, AM-356, AM-357, AM-358, AM-359, AM-360, AM-364	Aug. 13, 1971
AM-380, AM-394, AM-411, AM-423, AM-424, AM-426, AM-427, AM-428, AM-429, AM-430, AM-432, AM-433, AM-434, AM-435	Aug. 18, 1971
AM-461, AM-1845	Aug. 20, 1971

AM-3573, AM-3601, AM-3602... Aug. 25, 1971  
AM-2516, AM-2519, AM-2522, AM-2523, AM-3630, AM-3631, AM-3632 Aug. 27, 1971  
AM-2523 Sept. 3, 1971

are hereby modified as set forth below.

These modifications are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since these determinations were issued.

The determinations of prevailing rates and fringe benefits made in these modifications have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 F.R. 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of the Code of Federal Regulations, *Procedure for predetermination of wage rates*, and of Secretary of Labor's Orders 13-71 and 15-71 (36 F.R. 8755, 8756). The prevailing rates and fringe benefits determined in the foregoing area wage determination decisions, as hereby modified, shall, in accordance with the provisions of the foregoing statutes, consti-

tute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

The modifications are effective from their date of publication in the FEDERAL REGISTER until the end of the 120-day period for which the determinations being modified were issued and are to be used in accordance with provisions of 29 CFR Part 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule making procedures prescribed in 5 U.S.C. 553 is set forth in the document being modified.

The modifications to the area wage determination decisions listed above are set forth below.

Signed at Washington, D.C., this 1st day of October 1971.

HORACE E. MENASCO,  
Administrator, Employment  
Standards Administration.

## MODIFICATIONS

Classification	Basic hourly rates	Fringe benefits payments				
		HI & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-3,573-56 F.R. 16733, Pulaski County, Ariz., Modification No. 1						
CHANGE: Glaziers.....	\$5.41					
WD No. AM-2525-56 F.R. 17708, the 46 northern California counties are all these located north of Kern and San Luis Obispo Counties and west of Inyo and Mono Counties. Modification No. 1						
Alameda County						
CHANGE: Carpenters.....						
Carpenters.....	7.60	\$0.60	\$0.50	\$0.50c	\$0.02	
Hardwood floor layers; powersaw operators; saw filers; shinglers; steel scaffold erectors and/or steel shoring erectors.....	7.65	.60	.50	.50c	.02	
Millwrights.....	7.90	.60	.50	.50c	.02	
Piledrivermen; bridge, wharf, and dock builders.....	7.63	.60	.50	.50c	.02	
Footnote: c. Employer contributes \$0.35 per hour to Holiday Fund and \$0.15 per hour to Vacation Fund.						
Alpine County						
CHANGE: Carpenters.....						
Carpenters.....	7.60	.60	.50	.50c	.02	
Hardwood floor layers; powersaw operators; saw filers; shinglers; steel scaffold erectors and/or steel shoring erectors.....	7.65	.60	.50	.50c	.02	
Millwrights.....	7.90	.60	.50	.50c	.02	
Piledrivermen; bridge, wharf, and dock builders.....	7.63	.60	.50	.50c	.02	
Footnote: c. Employer contributes \$0.35 per hour to Holiday Fund and \$0.15 per hour to Vacation Fund.						
Amador County						
CHANGE: Carpenters.....						
Carpenters.....	7.60	.60	.50	.50c	.02	
Hardwood floor layers; powersaw operators; saw filers; shinglers; steel scaffold erectors and/or steel shoring erectors.....	7.65	.60	.50	.50c	.02	
Millwrights.....	7.90	.60	.50	.50c	.02	
Piledrivermen; bridge, wharf, and dock builders.....	7.63	.60	.50	.50c	.02	
Footnote: c. Employer contributes \$0.35 per hour to Holiday Fund and \$0.15 per hour to Vacation Fund.						

## MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Butte and Glenn Counties						
CHANGE:						
Carpenters:						
Carpenters.....	7.50	\$0.00	\$0.50	\$0.50d	\$0.02	
Hardwood floor layers; powersaw operators; saw filers; shinglers; steel scaffold erectors and/or steel shoring erectors.....	7.65	.60	.50	.50d	.02	
Millwrights.....	7.90	.60	.50	.50d	.02	
Piledrivermen; bridge, wharf, and dock builders.....	7.63	.60	.50	.50d	.02	
Painters:						
Brush; roller.....	5.40	.25	.25	.65		
Spray; sandblast; structural steel; swingstages and tapers.....	5.65	.25	.25	.65		
Footnote:						
d. Employer contributes \$0.35 per hour to Holiday Fund and \$0.15 per hour to Vacation Fund.						
Calaveras and San Joaquin Counties						
CHANGE:						
Carpenters:						
Carpenters.....	7.50	.60	.50	.50e	.02	
Hardwood floor layers; powersaw operators; saw filers; shinglers; steel scaffold erectors and/or steel shoring erectors.....	7.65	.60	.50	.50e	.02	
Millwrights.....	7.90	.60	.50	.50e	.02	
Piledrivermen; bridge, wharf, and dock builders.....	7.63	.60	.50	.50e	.02	
Footnote:						
c. Employer contributes \$0.35 per hour to Holiday Fund and \$0.15 per hour to Vacation Fund.						
Colusa County						
CHANGE:						
Carpenters:						
Carpenters.....	7.50	.60	.50	.50d	.02	
Hardwood floor layers; powersaw operators; saw filers; shinglers; steel scaffold erectors and/or steel shoring erectors.....	7.65	.60	.50	.50d	.02	
Millwrights.....	7.90	.60	.50	.50d	.02	
Piledrivermen; bridge, wharf, and dock builders.....	7.63	.60	.50	.50d	.02	
Painters:						
Brush; roller.....	5.40	.25	.25	.65		
Structural steel; swing stage; sandblaster; spray; taper.....	5.65	.25	.25	.65		
Footnote:						
d. Employer contributes \$0.35 per hour to Holiday Fund and \$0.15 per hour to Vacation Fund.						
Contra Costa County						
CHANGE:						
Carpenters:						
Carpenters.....	7.50	.60	.50	.50e	.02	
Hardwood floor layers; powersaw operators; saw filers; shinglers; steel scaffold erectors and/or steel shoring erectors.....	7.65	.60	.50	.50e	.02	
Millwrights.....	7.90	.60	.50	.50e	.02	
Piledrivermen; Bridge, wharf, and dock builders.....	7.63	.60	.50	.50e	.02	
Footnote:						
c. Employer contributes \$0.35 per hour to Holiday Fund and \$0.15 per hour to Vacation Fund.						
Del Norte and Humboldt Counties						
CHANGE:						
Carpenters:						
Carpenters.....	7.50	.60	.50	.50e	.02	
Hardwood floor layers; powersaw operators; saw filers; shinglers; steel scaffold erectors and/or steel shoring erectors.....	7.65	.60	.50	.50e	.02	
Millwrights.....	7.90	.60	.50	.50e	.02	
Piledrivermen; Bridge, wharf, and dock builders.....	7.63	.60	.50	.50e	.02	
Footnote:						
c. Employer contributes \$0.35 per hour to Holiday Fund and \$0.15 per hour to Vacation Fund.						
El Dorado-Nevada-Placer-Sierra Counties						
CHANGE:						
Carpenters:						
Carpenters.....	7.50	.60	.50	.50d	.02	
Hardwood floor layers; powersaw operators; saw filers; shinglers; steel scaffold erectors and/or steel shoring erectors.....	7.65	.60	.50	.50d	.02	
Millwrights.....	7.90	.60	.50	.50d	.02	
Piledrivermen; bridge, wharf, and dock builders.....	7.63	.60	.50	.50d	.02	
Footnote:						
d. Employer contributes \$0.35 per hour to Holiday Fund and \$0.15 per hour to Vacation Fund.						
Fresno-Kings-Madera-Tulare Counties						
CHANGE:						
Carpenters:						
Carpenters.....	7.50	.60	.50	.50e	.02	
Hardwood floor layers; powersaw operators; saw filers; shinglers; steel scaffold erectors and/or steel shoring erectors.....	7.65	.60	.50	.50e	.02	
Millwrights.....	7.90	.60	.50	.50e	.02	
Piledrivermen; bridge, wharf, and dock builders.....	7.63	.60	.50	.50e	.02	
Footnote:						
c. Employer contributes \$0.35 per hour to Holiday Fund and \$0.15 per hour to Vacation Fund.						
Lake and Mendocino Counties						
CHANGE:						
Carpenters:						
Carpenters.....	7.50	.60	.50	.50e	.02	
Hardwood floor layers; powersaw operators; saw filers; shinglers; steel scaffold erectors and/or steel shoring erectors.....	7.65	.60	.50	.50e	.02	
Millwrights.....	7.90	.60	.50	.50e	.02	
Piledrivermen; bridge, wharf, and dock builders.....	7.63	.60	.50	.50e	.02	
Footnote:						
c. Employer contributes \$0.35 per hour to Holiday Fund and \$0.15 per hour to Vacation Fund.						
Lassen County						
CHANGE:						
Carpenters:						
Carpenters.....	7.50	.60	.50	.50d	.02	
Hardwood floor layers; powersaw operators; saw filers; shinglers; steel scaffold erectors and/or steel shoring erectors.....	7.65	.60	.50	.50d	.02	
Millwrights.....	7.90	.60	.50	.50d	.02	
Piledrivermen; bridge, wharf, and dock builders.....	7.63	.60	.50	.50d	.02	
Painters (remaining portion of county):						
Brush; roller.....	5.40	.25	.25	.65		
Structural steel; swing stage; sandblaster; spray; taper.....	5.65	.25	.25	.65		
Footnote:						
d. Employer contributes \$0.35 per hour to Holiday Fund and \$0.15 per hour to Vacation Fund.						

## MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Marin County						
CHANGE:						
Carpenters:						
Carpenters.....	7.50	\$0.00	\$0.50	\$0.50a	\$0.02	-----
Hardwood floor layers; powersaw operators; saw filers; shinglers; steel scaffold erectors and/or steel shoring erectors.....	7.65	.00	.50	.50a	.02	-----
Millwrights.....	7.00	.00	.50	.50a	.02	-----
Piledrivermen; bridge, wharf, and dock builders.....	7.63	.00	.50	.50a	.02	-----
Footnote:						
a. Employer contributes \$0.35 per hour to Holiday Fund and \$0.15 per hour to Vacation Fund.						
Mariposa County						
CHANGE:						
Carpenters:						
Carpenters.....	7.50	.00	.50	.50c	.02	-----
Hardwood floor layers; powersaw operators; saw filers; shinglers; steel scaffold erectors and/or steel shoring erectors.....	7.65	.00	.50	.50c	.02	-----
Millwrights.....	7.00	.00	.50	.50c	.02	-----
Piledrivermen; bridge, wharf, and dock builders.....	7.63	.00	.50	.50c	.02	-----
Footnote:						
c. Employer contributes \$0.35 per hour to Holiday Fund and \$0.15 per hour to Vacation Fund.						
Merced County						
CHANGE:						
Carpenters:						
Carpenters.....	7.50	.00	.50	.50c	.02	-----
Hardwood floor layers; powersaw operators; saw filers; shinglers; steel scaffold erectors and/or steel shoring erectors.....	7.65	.00	.50	.50c	.02	-----
Millwrights.....	7.00	.00	.50	.50c	.02	-----
Piledrivermen; bridge, wharf, and dock builders.....	7.63	.00	.50	.50c	.02	-----
Footnote:						
c. Employer contributes \$0.35 per hour to Holiday Fund and \$0.15 per hour to Vacation Fund.						
Modoc County						
CHANGE:						
Carpenters:						
Carpenters.....	7.50	.00	.50	.50d	.02	-----
Hardwood floor layers; powersaw operators; saw filers; shinglers; steel scaffold erectors and/or steel shoring erectors.....	7.65	.00	.50	.50d	.02	-----
Millwrights.....	7.00	.00	.50	.50d	.02	-----
Piledrivermen; bridge, wharf, and dock builders.....	7.63	.00	.50	.50d	.02	-----
Painters:						
Brush; roller.....	5.40	.25	.25	.65	-----	-----
Structural steel; swing stage; sandblaster; spray; taper.....	5.65	.25	.25	.65	-----	-----
Footnote:						
d. Employer contributes \$0.35 per hour to Holiday Fund and \$0.15 per hour to Vacation Fund.						
Monterey County						
CHANGE:						
Carpenters:						
Carpenters.....	7.50	.00	.50	.50d	.02	-----
Hardwood floor layers; powersaw operators; saw filers; shinglers; steel scaffold erectors and/or steel shoring erectors.....	7.65	.00	.50	.50d	.02	-----
Millwrights.....	7.00	.00	.50	.50d	.02	-----
Piledrivermen; bridge, wharf, and dock builders.....	7.63	.00	.50	.50d	.02	-----
Footnote:						
d. Employer contributes \$0.35 per hour to Holiday Fund and \$0.15 per hour to Vacation Fund.						
Napa County						
CHANGE:						
Carpenters:						
Carpenters.....	7.50	.00	.50	.50e	.02	-----
Hardwood floor layers; powersaw operators; saw filers; shinglers; steel scaffold erectors and/or steel shoring erectors.....	7.65	.00	.50	.50e	.02	-----
Millwrights.....	7.00	.00	.50	.50e	.02	-----
Piledrivermen; bridge, wharf, and dock builders.....	7.63	.00	.50	.50e	.02	-----
Footnote:						
e. Employer contributes \$0.35 per hour to Holiday Fund and \$0.15 per hour to Vacation Fund.						
Plumas County						
CHANGE:						
Carpenters:						
Carpenters.....	7.50	.00	.50	.50d	.02	-----
Hardwood floor layers; powersaw operators; saw filers; shinglers; steel scaffold erectors and/or steel shoring erectors.....	7.65	.00	.50	.50d	.02	-----
Millwrights.....	7.00	.00	.50	.50d	.02	-----
Piledrivermen; bridge, wharf and dock builders.....	7.63	.00	.50	.50d	.02	-----
Painters:						
Brush; roller.....	5.40	.25	.25	.65	-----	-----
Spray; sandblast; structural steel; swingstages and tapers.....	5.65	.25	.25	.65	-----	-----
Footnote:						
d. Employer contributes \$0.35 per hour to Holiday Fund and \$0.15 per hour to Vacation Fund.						
Sacramento and Yolo Counties						
CHANGE:						
Carpenters:						
Carpenters.....	7.50	.00	.50	.50d	.02	-----
Hardwood floor layers; powersaw operators; saw filers; shinglers; steel scaffold erectors and/or steel shoring erectors.....	7.65	.00	.50	.50d	.02	-----
Millwrights.....	7.00	.00	.50	.50d	.02	-----
Piledrivermen; bridge, wharf and dock builders.....	7.63	.00	.50	.50d	.02	-----
Footnote:						
d. Employer contributes \$0.35 per hour to Holiday Fund and \$0.15 per hour to Vacation Fund.						
San Benito and Santa Clara Counties						
CHANGE:						
Carpenters:						
Carpenters.....	7.50	.00	.50	.50c	.02	-----
Hardwood floor layers; powersaw operators; saw filers; shinglers; steel scaffold erectors and/or steel shoring erectors.....	7.65	.00	.50	.50c	.02	-----
Millwrights.....	7.00	.00	.50	.50c	.02	-----
Piledrivermen; bridge, wharf, and dock builders.....	7.63	.00	.50	.50c	.02	-----
Electricians:						
Electricians.....	8.72	.45	1.57	-----	-----	-----
Cable splicers.....	9.81	.45	1.57	-----	-----	-----
Footnote:						
c. Employer contributes \$0.35 per hour to Holiday Fund and \$0.15 per hour to Vacation Fund.						

## MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
San Francisco County						
CHANGE:						
Carpenters:						
Carpenters.....	7.50	\$0.60	\$0.50	\$0.50d	\$0.02	.....
Hardwood floor layers; powersaw operators; saw filers; shinglers; steel scaffold erectors and/or steel shoring erectors.....	7.65	.60	.50	.50d	.02	.....
Millwrights.....	7.90	.60	.50	.50d	.02	.....
Piledrivermen; bridge, wharf, and dock builders.....	7.63	.60	.50	.50d	.02	.....
Footnote:						
d. Employer contributes \$0.35 per hour to Holiday Fund and \$0.15 per hour to Vacation Fund.						
San Mateo County						
CHANGE:						
Carpenters:						
Carpenters.....	7.50	.60	.50	.50e	.02	.....
Hardwood floor layers; powersaw operators; saw filers; shinglers; steel scaffold erectors and/or steel shoring erectors.....	7.65	.60	.50	.50e	.02	.....
Millwrights.....	7.90	.60	.50	.50e	.02	.....
Piledrivermen; bridge, wharf, and dock builders.....	7.63	.60	.50	.50e	.02	.....
Footnote:						
c. Employer contributes \$0.35 per hour to Holiday Fund and \$0.15 per hour to Vacation Fund.						
Santa Cruz County						
CHANGE:						
Carpenters:						
Carpenters.....	7.50	.60	.50	.50d	.02	.....
Hardwood floor layers; powersaw operators; saw filers; shinglers; steel scaffold erectors and/or steel shoring erectors.....	7.65	.60	.50	.50d	.02	.....
Millwrights.....	7.90	.60	.50	.50d	.02	.....
Piledrivermen; bridge, wharf, and dock builders.....	7.63	.60	.50	.50d	.02	.....
Footnote:						
d. Employer contributes \$0.25 per hour to Holiday Fund and \$0.15 per hour to Vacation Fund.						
Shasta and Tehama Counties						
CHANGE:						
Carpenters:						
Carpenters.....	7.50	.60	.50	.50d	.02	.....
Hardwood floor layers; powersaw operators; saw filers; shinglers; steel scaffold erectors and/or steel shoring erectors.....	7.65	.60	.50	.50d	.02	.....
Millwrights.....	7.90	.60	.50	.50d	.02	.....
Piledrivermen; bridge, wharf, and dock builders.....	7.63	.60	.50	.50d	.02	.....
Painters:						
Brush; rollers.....	5.40	.25	.25	.65	.....	.....
Spray; sandblast; structural steel; swingstages and tapers.....	5.65	.25	.25	.65	.....	.....
Footnote:						
d. Employer contributes \$0.35 per hour to Holiday Fund and \$0.15 per hour to Vacation Fund.						
Siskiyou County						
CHANGE:						
Carpenters:						
Carpenters.....	7.50	.60	.50	.50e	.02	.....
Hardwood floor layers; powersaw operators; saw filers; shinglers; steel scaffold erectors and/or steel shoring erectors.....	7.65	.60	.50	.50e	.02	.....
Millwrights.....	7.90	.60	.50	.50e	.02	.....
Piledrivermen; bridge, wharf, and dock builders.....	7.63	.60	.50	.50e	.02	.....
Painters:						
Brush; roller.....	5.40	.25	.25	.65	.....	.....
Structural steel; swing stage; sandblaster; spray; taper.....	5.65	.25	.25	.65	.....	.....
Footnote:						
c. Employer contributes \$0.35 per hour to Holiday Fund and \$0.15 per hour to Vacation Fund.						
Solano County						
CHANGE:						
Carpenters:						
Carpenters.....	7.50	.60	.50	.50e	.02	.....
Hardwood floor layers; powersaw operators; saw filers; shinglers; steel scaffold erectors and/or steel shoring erectors.....	7.65	.60	.50	.50e	.02	.....
Millwrights.....	7.90	.60	.50	.50e	.02	.....
Piledrivermen; bridge, wharf, and dock builders.....	7.63	.60	.50	.50e	.02	.....
Footnote:						
e. Employer contributes \$0.35 per hour to Holiday Fund and \$0.15 per hour to Vacation Fund.						
Sonoma County						
CHANGE:						
Carpenters:						
Carpenters.....	7.50	.60	.50	.50d	.02	.....
Hardwood floor layers; powersaw operators; saw filers; shinglers; steel scaffold erectors and/or steel shoring erectors.....	7.65	.60	.50	.50d	.02	.....
Millwrights.....	7.90	.60	.50	.50d	.02	.....
Piledrivermen; bridge, wharf, and dock builders.....	7.63	.60	.50	.50d	.02	.....
Footnote:						
d. Employer contributes \$0.35 per hour to Holiday Fund and \$0.15 per hour to Vacation Fund;						
Stanislaus and Tuolumne Counties						
CHANGE:						
Carpenters:						
Carpenters.....	7.50	.60	.50	.50e	.02	.....
Hardwood floor layers; powersaw operators; saw filers; shinglers; steel scaffold erectors and/or steel shoring erectors.....	7.65	.60	.50	.50e	.02	.....
Millwrights.....	7.90	.60	.50	.50e	.02	.....
Piledrivermen; bridge, wharf, and dock builders.....	7.63	.60	.50	.50e	.02	.....
Footnote:						
e. Employer contributes \$0.35 per hour to Holiday Fund and \$0.15 per hour to Vacation Fund.						
Sutter County						
CHANGE:						
Carpenters:						
Carpenters.....	7.50	.60	.50	.50d	.02	.....
Hardwood floor layers; powersaw operators; sawfilers; shinglers; steel scaffold erectors and/or steel shoring erectors.....	7.65	.60	.50	.50d	.02	.....
Millwrights.....	7.90	.60	.50	.50d	.02	.....
Piledrivermen; bridge, wharf, and dock builders.....	7.63	.60	.50	.50d	.02	.....
Painters:						
Brush; roller.....	5.40	.25	.25	.65	.....	.....
Spray; sandblast; structural steel; swingstages and tapers.....	5.65	.25	.25	.65	.....	.....
Footnote:						
f. Employer contributes \$0.35 per hour to Holiday Fund and \$0.15 per hour to Vacation Fund.						



## MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Trinity County						
CHANGE:						
Carpenters:						
Carpenters	\$7.50	\$3.60	\$2.50	\$0.50c	\$0.02	
Hardwood floor layers; powersaw operators; saw filers; shinglers; steel scaffold erectors and/or steel shoring erectors	7.65	.60	.50	.80c	.02	
Millwrights	7.60	.60	.50	.60c	.02	
Piledrivermen; bridge, wharf, and dock builders	7.63	.60	.50	.60c	.02	
Painters:						
Brush; roller	5.40	.25	.25	.65		
Structural steel; swing stage; sandblaster; spray; taper	5.65	.25	.25	.65		
Footnote:						
c. Employer contributes \$0.35 per hour to Holiday Fund and \$0.15 per hour to Vacation Fund.						
Yuba County						
CHANGE:						
Carpenters:						
Carpenters	7.60	.60	.50	.60d	.02	
Hardwood floor layers; powersaw operators; saw filers; shinglers; steel scaffold erectors and/or steel shoring erectors	7.65	.60	.50	.60d	.02	
Millwrights	7.60	.60	.50	.60d	.02	
Piledrivermen; bridge, wharf, and dock builders	7.63	.60	.50	.60d	.02	
Painters:						
Brush; roller	5.40	.25	.25	.65		
Spray; sandblast; structural steel; swingstage and taper	5.65	.25	.25	.65		
Footnote:						
d. Employer contributes \$0.35 per hour to Holiday Fund and \$0.15 per hour to Vacation Fund.						
PILEDRIVING:						
Group I:						
Assistant to engineer (fireman, oiler, deckhand)	6.21	.25	.75	.55	.14	
Group Ia:						
Compressor operator	6.46	.25	.75	.55	.14	
Group Ib:						
Truck crane oiler	6.60	.25	.75	.55	.14	
Group IIa:						
Operator of tugger hoist (hoisting material only)	7.04	.25	.75	.55	.14	
Group IIb:						
Compressor operator (2-7); generator operator (100 kw. or over); pump operator (2-7); welding machine operator (2-7—powered other than by electricity)	7.20	.25	.75	.55	.14	
Group III:						
Deck engineer; forklift operator; A-frames; self-propelled boom-type lifting device	7.42	.25	.75	.55	.14	
Group IIIa:						
Heavy-duty repairman and/or welder	7.71	.25	.75	.55	.14	
Group IV:						
Operating engineer in lieu of assistant to engineer tending boiler or compressor attached to crane piledriver; operator of piledriving rigs, skid or floating and derrick barges; operator of diesel or gasoline powered crane piledriver (w/o boiler) up to and including 1 cu. yd. rating; truck crane operator (up to and including 25 tons—hoisting material only)	8.12	.25	.75	.55	.14	
Group V:						
Operator of diesel or gasoline powered crane piledriver (w/o boiler) over 1 cu. yd. rating; operator of crane (w/steam, flash boiler, pump or compressor attached); operator of steam powered crawler, or Universal-type driver (Raymond or similar type); truck crane operator (over 25 tons—hoisting material or performing piledriving work)	8.24	.25	.75	.55	.14	
WD No. AM-3,680—\$6 F.R. 17067, Adams, Arapahoe, southeast portion of Boulder (including city of Boulder), Denver, northern portion of Douglas, northern portion of Elbert, Jefferson, and the southwestern portion of Weld Counties, Colo. Modification No. 1						
CHANGE:						
Heavy and highway construction:						
Cement masons (outside Denver metropolitan area)	5.25	.25	.20	.30	.63	
Cement masons (Denver metropolitan area)	5.75	.25	.20	.30	.63	
Building construction:						
Elevator constructors	7.47	.155	.20	2%+a&b		
Elevator constructor's helpers	7.07 JR	.155	.20	2%+a&b		
Elevator constructor's helpers (prob.)	6.87 JR	.155	.20	2%+a&b		
Pipefitters	\$7.10	.49	.35	\$0.40	.65	
Plumbers	7.10	.49	.35	.49	.65	
Painters:						
Sandblaster	7.35	.20	.15		.01	
WD No. Am-3,631—\$6 F.R. 17074, El Paso County, Colo. Modification No. 1						
CHANGE:						
Cement masons (heavy and highway)	5.25	.25	.20	.20	.63	
Building construction:						
Elevator constructors	7.47	.155	.20	2%+a&b		
Elevator constructor's helpers	7.07 JR	.155	.20	2%+a&b		
Elevator constructor's helpers (prob.)	6.87 JR	.155	.20	2%+a&b		
WD No. AM-3,632—\$6 F.R. 17079, statewide counties, Colo. Modification No. 1						
CHANGE:						
Highway construction:						
Cement masons:						
Denver metropolitan area	\$5.75	.25	.20	\$0.22	.63	
Outside Denver metropolitan area	5.25	.25	.20	.22	.63	
WD No. AM-461—\$6 F.R. 16401, Pinellas County, Fla. Modification No. 1						
CHANGE:						
Electricians	6.49	.25	1%		0.75%	
WD No. AM-531—\$6 F.R. 16101, Du Page County, Ill. Modification No. 3						
CHANGE:						
Ironworkers; National Accelerator Laboratory	9.65	.25	\$0.125		\$0.045	
WD No. AM-532—\$6 F.R. 16168, Kane County, Ill. Modification No. 2						
CHANGE:						
Ironworkers, structural, ornamental, and reinforcing	9.65	.25	.125		.045	
WD No. AM-541—\$6 F.R. 16213, Will County, Ill. Modification No. 3						
CHANGE:						
Bricklayers and stonemasons	9.40	.30				

## MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-343-36 F.R. 15223, Boone, De Kalb, Du Page, Kane, Kendall, Lake, McHenry and Will Counties, Ill. Modification No. 3						
CHANGE:						
Ironworkers:						
Kane County, De Kalb County (southeast two-thirds including Sycamore and De Kalb), Du Page County (excluding Argonne and vicinity) the north one-half of Kendall County and the southeast one-fourth of McHenry County	\$9.65	\$0.25	\$0.125		\$0.045	
WD No. AM-351-36 F.R. 15277, Allen County, Ind. Modification No. 2						
OMIT:						
Building construction:						
Laborers:	4.30	.13	.20			
Air tool operator (jackhammer, vibrator)	4.40	.13	.20			
Hod carriers and mason tenders	4.40	.13	.20			
Mortar mixers	4.50	.13	.20			
Plasterers' tenders	4.50	.13	.20			
ADD: Building construction:						
Laborers:						
Group A:						
Building and construction laborers, scaffold builders other than for mason or plasterers, ironworkers' helpers, mechanic helpers, mechanic tenders, window washers and cleaners, roofers' helpers, railroad laborer, masonry wall washers (interior and exterior), cement finisher helper, carpenter helper, all portable water pumps with discharge up to 3 in., mason tenders	4.80	.18	.25			.07
Group B:						
Waterproofing, handling of creosote lumber or like treated material (excluding railroad material), asphalt rakers and lutemen, kettlemen, air tool operators, vibrators, chipping hammer operator, and all other pneumatic tool operators, jackmen and sheeting men working in ditches deeper than 6 ft., laborers working in ditches 6 ft. in depth or deeper, assembly of uncrete pump, chain saw operators, tile layers (sewer or field), sewer pipe layers (metallic and nonmetallic), motor-driven wheelbarrows and concrete buggies, hyster operators, pump crete assemblers, conveyor assemblers, core drill operators, cement, lime, or silica clay handlers (bulk or bag), pneumatic spikers, deck, engine and winch operator, water main and cable ducking (metallic and nonmetallic)	5.00	.18	.25			.07
Group C:						
Plaster tenders, mortar mixers, welders (acetylene or electric), cutting torch or burner, cement nozzle laborers, cement gun operator, scaffold builders when working for plasterer	5.10	.18	.25			.07
Group D:						
Tunnel work in free air:						
Muckers or tunnel laborers, bottommen, concretemen (bottom), miners and headermen	5.40	.18	.25			.07
Group E:						
Dynamitemen	5.80	.18	.25			.07
WD No. AM-352-36 F.R. 15282, Bartholomew County, Ind. Modification No. 2						
CHANGES:						
Building construction:						
Asbestos workers	7.85	.20	.20			.03
Cement masons	6.20					
Plasterers	7.25					
OMIT:						
Building construction:						
Laborers:						
Common laborers	4.25	.13	.20			.03
Air tool operator (jackhammer, vibrator)	4.45	.13	.20			.03
Powder monkey and hod carriers	4.45	.13	.20			.03
Pipelayers (concrete and clay)	4.45	.13	.20			.03
Dynamitemen	4.65	.13	.20			.03
Cement handlers (bulk or bag)	4.45	.13	.20			.03
Concrete puddlers and bottommen	4.45	.13	.20			.03
ADD: Building construction:						
Laborers:						
Group A:						
Building and construction laborers, scaffold builders other than for mason or plasterers, ironworkers' helpers, mechanic helpers, mechanic tenders, window washers and cleaners, roofers' helpers, railroad laborer, masonry wall washers (interior and exterior), cement finisher helper, carpenter helper, all portable water pumps with discharge up to 3 in.	4.75	.18	.25			.07
Group B:						
Waterproofing, handling of creosote lumber or like treated material (excluding railroad material), asphalt rakers and lutemen, kettlemen, air tool operators, vibrators, chipping hammer operators, and all other pneumatic tool operators, jackmen and sheeting men working in ditches deeper than 6 ft., laborers working in ditches 6 ft. in depth or deeper, assembly of uncrete pump, chain saw operators, tile layers (sewer or field), sewer pipe layers (metallic and nonmetallic), motor-driven wheelbarrows and concrete buggies, hyster operators, pump crete assemblers, conveyor assemblers, core drill operators, cement, lime, or silica clay handlers (bulk or bag), pneumatic spikers, deck, engine and winch operator, water main and cable ducking (metallic and nonmetallic)	4.95	.18	.25			.07
Group C:						
Plaster tenders, mortar mixers, welders (acetylene or electric), cutting torch or burner, cement nozzle laborers, cement gun operator, scaffold builders when working for plasterer or masons, mason tenders	5.05	.18	.25			.07
Group D:						
Tunnel work in free air:						
Muckers or tunnel laborers, bottommen, concretemen (bottom), miners, and headermen	5.35	.18	.25			.07
Group E:						
Dynamitemen	5.75	.18	.25			.07
WD No. AM-353-36 F.R. 15287, Benton and Tippecanoe Counties, Ind. Modification No. 2						
CHANGES:						
Building construction:						
Asbestos workers	7.85	.20	.20			.03
OMIT:						
Building construction:						
Laborers: (Building)						
Laborers	4.15	.13	.20			.03
Air tool operator	4.40	.13	.20			.03
Mortar mixers, hod carriers, mason tenders	4.35	.13	.20			.03
Dynamite and powder monkeys	4.60	.13	.20			.03
Wrecking over 20 ft. high, laborers in ditches below 6 ft., tile layers (sewer or field), cement handlers	4.40	.13	.20			.03
Wrecking laborers 20 ft. high	4.65	.13	.20			.03
Flagmen and mechanics' helpers	4.15	.13	.20			.03

## MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
<b>ADD: Building construction:</b>						
Laborers:						
Group A:						
Building and construction laborers, scaffold builders other than for mason or plasterers, ironworkers' helpers, mechanic helpers, mechanic tenders, window washers and cleaners, roofers' helpers, railroad laborer, masonry wall washers (interior and exterior), cement finisher helper, carpenter helper, all portable water pumps with discharge up to 3 in.	\$4.72	\$3.15	\$0.25		\$0.07	
Group B:						
Waterproofing, handling of creosote lumber or like treated material (excluding railroad material), asphalt rakers and lutemen, kettlemen, air tool operators, vibrators, chipping hammer operators, and all other pneumatic tool operators, jackmen and sheeting men working in ditches deeper than 6 ft., laborers working in ditches 6 ft. in depth or deeper, assembly of uncrete pump, chain saw operators, tile layers (sewer or field), sewer pipe layers (metallic and nonmetallic), motor-driven wheelbarrows and concrete buggies, hystor opera-pump crete assemblers, conveyor assemblers, core drill operators, cement, lime, or silica clay handlers (bulk or bag), pneumatic spikers, deck, engine and winch operator, water main and cable ducking (metallic and nonmetallic)	4.02	.15	.25		.07	
Group C:						
Plaster tenders, mortar mixers, welders (acetylene or electric), cutting torch or burner, cement nozzle laborers, cement gun operator, scaffold builders when working for plasterer or masons, mason tenders	5.02	.15	.25		.07	
Group D:						
Tunnel work in free air: Muckers or tunnel laborers, bottommen, concretemen (bottom), miners, and headermen	5.32	.15	.25		.07	
Group E:						
Dynamitemen	5.72	.15	.25		.07	
WD No. AM-555—56 F.R. 16297, Delaware County, Ind. Modification No. 2						
<b>CHANGES:</b>						
Building construction:						
Asbestos workers	7.85	.20	.20		.02	
<b>OMIT:</b>						
Building construction:						
Laborers:						
Rodman, chainmen and signalmen laborers	3.00	.13	.20		.02	
Air tool operator (jackhammer, vibrator); mason tender (brick, stone, mortar)	4.10	.13	.20		.02	
Cutting torch or burner; plasterers' tenders; bottommen and sewer layers	4.15	.13	.20		.02	
Waterproofing and power-driven buggies	3.00	.13	.20		.02	
Nozzle and gunnite laborers	4.10	.13	.20		.02	
<b>ADD: Building construction:</b>						
Laborers:						
Group A:						
Building and construction laborers, scaffold builders other than for mason or plasterers, ironworkers' helpers, mechanic helpers, mechanic tenders, window washers and cleaners, roofers' helpers, railroad laborer, masonry wall washers (interior and exterior), cement finisher helper, carpenter helper, all portable water pumps with discharge up to 3 in.	4.60	.15	.25		.07	
Group B:						
Waterproofing, handling of creosote lumber or like treated material (excluding railroad material), asphalt rakers and lutemen, kettlemen, air tool operators, vibrators, chipping hammer operators, and all other pneumatic tool operators, jackmen and sheeting men working in ditches deeper than 6 ft., laborers working in ditches 6 ft. in depth or deeper, assembly of uncrete pump, chain saw operators, tile layers (sewer or field), sewer pipe layers (metallic and nonmetallic), motor-driven wheelbarrows and concrete buggies, hystor opera-pump crete assemblers, conveyor assemblers, core drill operators, cement, lime, or silica clay handlers (bulk or bag), pneumatic spikers, deck, engine and winch operator, water main and cable ducking (metallic and nonmetallic)	4.60	.15	.25		.07	
Group C:						
Plaster tenders, mortar mixers, welders (acetylene or electric), cutting torch or burner, cement nozzle laborers, cement gun operator, scaffold builders when working for plasterer or masons, mason tenders	4.00	.15	.25		.07	
Group D:						
Tunnel work in free air: Muckers or tunnel laborers, bottommen, concretemen (bottom), miners, and headermen	5.20	.15	.25		.07	
Group E:						
Dynamitemen	5.60	.15	.25		.07	
WD No. AM-556—56 F.R. 16508, Grant County, Ind. Modification No. 2						
<b>OMIT:</b>						
Building construction:						
Laborers:						
Common laborers	3.60	.13	.15		.02	
Air tool operator (jackhammer, vibrator)	4.05	.13	.15		.02	
Mason tenders (brick, stone, and mortar)	4.05	.13	.15		.02	
Sewer layers	4.50	.13	.15		.02	
Plasterers' tenders	4.05	.13	.15		.02	
Power-driven wheelbarrow	4.05	.13	.15		.02	
Bottommen	4.50	.13	.15		.02	
Dynamitemen and powder monkeys	4.20	.13	.15		.02	
<b>ADD: Building construction:</b>						
Laborers:						
Group A:						
Building and construction laborers, scaffold builders other than for mason or plasterers, ironworkers' helpers, mechanic helpers, mechanic tenders, window washers and cleaners, roofers' helpers, railroad laborer, masonry wall washers (interior and exterior), cement finisher helper, carpenter helper, all portable water pumps with discharge up to 3 in.	4.55	.15	.25		.07	
Group B:						
Waterproofing, handling of creosote lumber or like treated material (excluding railroad material), asphalt rakers and lutemen, kettlemen, air tool operators, vibrators, chipping hammer operators, and all other pneumatic tool operators, jackmen and sheeting men working in ditches deeper than 6 ft., laborers working in ditches 6 ft. in depth or deeper, assembly of uncrete pump, chain saw operators, tile layers (sewer or field), sewer pipe layers (metallic and nonmetallic), motor-driven wheelbarrows and concrete buggies, hystor opera-pump crete assemblers, conveyor assemblers, core drill operators, cement, lime, or silica clay handlers (bulk or bag), pneumatic spikers, deck, engine and winch operators, water main and cable ducking (metallic and nonmetallic)	4.75	.15	.25		.07	
Group C:						
Plaster tenders, mortar mixers, welders (acetylene or electric), cutting torch or burner, cement nozzle laborers, cement gun operator, scaffold builders when working for plasterer or mason, mason tenders	4.65	.15	.25		.07	
Group D:						
Tunnel work in free air: Muckers or tunnel laborers, bottommen, concretemen (bottom), miners, and headermen	5.15	.15	.25		.07	
Group E:						
Dynamitemen	5.55	.15	.25		.07	

## MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-357—86 F.R. 15310, Lake County, Ind. Modification No. 2						
CHANGE: Laborers:						
Group A: Building and construction laborers, scaffold builders other than for mason or plasterers, ironworkers' helpers, mechanic helpers, mechanic tenders, window washers and cleaners, roofers' helpers, railroad laborer, masonry wall washers (interior and exterior), cement finisher helper, carpenter helper, all portable water pumps with discharge up to 3 in., mason tenders.....	\$5.70	\$0.18	\$0.25		\$0.07	
Group B: Waterproofing, handling of creosote lumber or like treated material (excluding railroad material), asphalt rakers and lutemen, kettlemen, air tool operators, vibrators, chipping hammer operator, and all other pneumatic tool operators, jackmen and sheeting men working in ditches deeper than 6 ft., laborers working in ditches 6 ft. in depth or deeper, assembly of uncrete pump, chain saw operators, tile layers (sewer or field), sewer pipe layers (metallic and nonmetallic), motor-driven wheelbarrows and concrete buggies, hystor opera-pump crete assemblers, conveyor assemblers, core drill operators, cement, lime, or silica clay handlers (bulk or bag), pneumatic spikers, deck, engine and winch operator, water main and cable ducking (metallic and nonmetallic).....	5.90	.18	.25		.07	
Group C: Plaster tenders, mortar mixers, welders (acetylene or electric), cutting torch or burner, cement nozzle laborers, cement gun operator, scaffold builders when working for plasterer.....	6.00	.18	.25		.07	
Group D: Tunnel work in free air: Muckers or tunnel laborers, bottommen, concretemen (bottom), miners, and headermen.....	6.30	.18	.25		.07	
Group E: Dynamitemen.....	6.70	.18	.25		.07	
WD No. AM-358—86 F.R. 15319, La Porte County, Ind. Modification No. 2						
CHANGE: Laborers:						
Group A: Building and construction laborers, scaffold builders other than for mason or plasterers, ironworkers' helpers, mechanic helpers, mechanic tenders, window washers and cleaners, roofers' helpers, railroad laborer, masonry wall washers (interior and exterior), cement finisher helper, carpenter helper, all portable water pumps with discharge up to 3 in., mason tenders.....	5.50	.18	.25		.07	
Group B: Waterproofing, handling of cresote lumber or like treated material (excluding railroad material), asphalt rakers and lutemen, kettlemen, air tool operators, vibrators, chipping hammer operator, and all other pneumatic tool operators, jackmen and sheeting men working in ditches deeper than 6 ft., laborers working in ditches 6 ft. in depth or deeper, assembly of uncrete pump, chain saw operators, tile layers (sewer or field), sewer pipe layers (metallic and nonmetallic), motor-driven wheelbarrows and concrete buggies, hystor opera-pump crete assemblers, conveyor assemblers, core drill operators, cement, lime, or silica clay handlers (bulk or bag), pneumatic spikers, deck engine and winch operator, water main and cable ducking (metallic and nonmetallic).....	5.70	.18	.25		.07	
Group C: Plaster tenders, mortar mixers, welders (acetylene or electric), cutting torch or burner, cement nozzle laborers, cement gun operator, scaffold builders when working for plasterer.....	5.80	.18	.25		.07	
Group D: Tunnel work in free air: Muckers or tunnellaborers, bottommen, concretemen (bottom), miners and headermen.....	6.10	.18	.25		.07	
Group E: Dynamitemen.....	6.50	.18	.25		.07	
WD No. AM-359—86 F.R. 15327, Marion County, Ind. Modification No. 2						
CHANGES:						
Building construction: Asbestos workers.....	7.85	.20	.20		.03	
OMIT:						
Building construction: Laborers, building: Common laborers, salamander and heater tenders..... Mortar mixers, motor-driven wheelbarrows and buggies..... Hod carriers, mason tenders, plasterers' tenders..... Air tool operator, chipping hammer operator, concrete gun and jetcrete machine operator, jackhammer and vibrator operator..... Laborers, wrecking: Wrecking laborers, salamander and mason tenders..... Jackhammer, drill and compactor operators, chain saw operator, mechanical wheelbarrows and buggies; gas-powered floor sweeper; laborers working over 3 stories or 35 ft. in height..... Cutting torch or burner.....	4.40 4.60 4.50 4.55 4.45 4.65 4.85	.13 .13 .13 .13 .13 .18 .18	.20 .20 .20 .20 .20 .25 .25		.02 .02 .02 .02 .02 .07 .07	
ADD: Building construction: Laborers:						
Group A: Building and construction laborers, scaffold builders other than for mason or plasterers, ironworkers' helpers, mechanic helpers, mechanic tenders, window washers and cleaners, roofers' helpers, railroad laborer, masonry wall washers (interior and exterior), cement finisher helper, carpenter helper, all portable water pumps with discharge up to 3 in.....	4.95	.18	.25		.07	
Group B: Waterproofing, handling of creosote lumber or like treated material (excluding railroad material), asphalt rakers and lutemen, kettlemen, air tool operators, vibrators, chipping hammer operators, and all other pneumatic tool operators, jackmen and sheeting men working in ditches deeper than 6 ft., laborers working in ditches 6 ft. in depth or deeper, assembly of uncrete pump, chain saw operators, tile layers (sewer or field), sewer pipe layers (metallic and nonmetallic), motor-driven wheelbarrows and concrete buggies, hystor operators, pump crete assemblers, conveyor assemblers, core drill operators, cement, lime, or silica clay handlers (bulk or bag), pneumatic spikers, deck, engine and winch operator, water main and cable ducking (metallic and nonmetallic).....	5.15	.18	.25		.07	
Group C: Plaster tenders, mortar mixers, welders (acetylene or electric), cutting torch or burner, cement nozzle laborers, cement gun operator, scaffold builders when working for plasterer or masons, mason tenders.....	5.25	.18	.25		.07	
Group D: Tunnel work in free air: Muckers or tunnel laborers, bottommen, concretemen (bottom), miners, and headermen.....	5.55	.18	.25		.07	
Group E: Dynamitemen.....	5.95	.18	.25		.07	

## MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-560—56 F.R. 15333, Monroe County, Ind. Modification No. 2						
CHANGES:						
Building construction:						
Asbestos workers.....	57.85	\$3.20	\$3.20		\$3.02	
OMIT:						
Building construction:						
Laborers:						
Laborers.....	4.25	.13	.20		.02	
Air tool operator (jackhammer, vibrator).....	4.45	.13	.20		.02	
Tile layers (concrete and clay), powder monkeys, cement handlers (bulk or bag), concrete puddlers, bottommen, hod carriers.....	4.45	.13	.20		.02	
Dynamitemen.....	4.65	.13	.20		.02	
ADD: Building construction:						
Laborers:						
Group A:						
Building and construction laborers, scaffold builders other than for mason or plasterers, ironworkers' helpers, mechanic helpers, mechanic tenders, window washers and cleaners, roofers' helpers, railroad laborers, masonry wall washers (interior and exterior), cement finisher helper, carpenter helper, all portable water pumps with discharge up to 3 in.....	4.75	.15	.25		.07	
Group B:						
Waterproofing, handling of creosote lumber or like treated material (excluding railroad material), asphalt rakers and lutemen, kettlemen, air tool operators, vibrators, chipping hammer operators, and all other pneumatic tool operators, jackmen and sheeting men working in ditches deeper than 6 ft., laborers working in ditches 6 ft. in depth or deeper, assembly of uncrete pump, chain saw operators, tile layers (sewer or field), sewer pipe layers (metallic and nonmetallic), motor-driven wheelbarrows and concrete buggies, hyster operators, pump crete assemblers, conveyor assemblers, core drill operators, cement, lime, or silica clay handlers (bulk or bag), pneumatic splikers, deck, engine and winch operator, water main and cable ducking (metallic and nonmetallic).....	4.65	.15	.25		.07	
Group C:						
Plaster tenders, mortar mixers, welders (acetylene or electric), cutting torch or burner, cement nozzle laborers, cement gun operator, scaffold builders when working for plasterer or masons, mason tenders.....	5.65	.15	.25		.07	
Group D:						
Tunnel work in free air:						
Muckers or tunnel laborers, bottommen, concretemen (bottom), miners, and headermen.....	5.35	.15	.25		.07	
Group E:						
Dynamitemen.....	5.75	.15	.25		.07	
WD No. AM-584—55 F.R. 15358, Vigo County, Ind. Modification No. 2						
CHANGES:						
Building construction:						
Asbestos workers.....	7.85	.20	.20		.02	
Bricklayers and stonemasons.....	7.70	.20			.03	
Pointers, caulkers, and blocklayers.....	7.70	.20			.03	
Cement masons.....	6.00	.25	.25			
Marble setters.....	7.50	.20			.03	
Marble setters' helpers.....	5.65	.20			.03	
Painters:						
Brush.....	5.80					
Roller and paperhangers.....	5.80					
Spray.....	5.80					
Sandblasting.....	7.20					
Roofers.....	6.75	.10	.10			
Terrazzo workers.....	7.30	.20			.03	
Terrazzo workers' helpers.....	5.65	.20			.03	
Tile setters.....	7.30	.20			.03	
Tile setters' helpers.....	5.65	.20			.03	
OMIT:						
Building construction:						
Laborers:						
Hod carriers, mason tenders.....	4.80	.13	.20		.02	
Plasterers' tenders.....	4.80	.13	.20		.02	
Building and common laborers.....	4.45	.13	.20		.02	
Jackhammers, drill and vibrators operator, motor-driven wheelbarrow and concrete buggy operator.....	4.65	.13	.20		.02	
Cement handlers, bulk and bag at point of mixing.....	4.65	.13	.20		.02	
Handling of creosoted lumber or like treated lumber.....	4.65	.13	.20		.02	
Sewer pipe layers.....	4.75	.13	.20		.02	
Laborers working in ditches deeper than 6 feet in depth.....	4.75	.13	.20		.02	
Cutting torch or burner.....	4.85	.13	.20		.02	
Dynamitemen, powder monkeys.....	4.90	.13	.20		.02	
Painters:						
Structural (steel) to 30 ft.....	5.65					
Structural (steel) over 30 ft.....	6.35					
ADD: Building construction:						
Laborers:						
Group A:						
Building and construction laborers, scaffold builders other than for mason or plasterers, ironworkers' helpers, mechanic helpers, mechanic tenders, window washers and cleaners, roofers' helpers, railroad laborer, masonry wall washers (interior and exterior), cement finisher helper, carpenter helper, all portable water pumps with discharge up to 3 in.....	4.95	.15	.25		.07	
Group B:						
Waterproofing, handling of creosote lumber or like treated material (excluding railroad material), asphalt rakers and lutemen, kettlemen, air tool operators, vibrators, chipping hammer operator, and all other pneumatic tool operators, jackmen and sheeting men working in ditches deeper than 6 ft., laborers working in ditches 6 ft. in depth or deeper, assembly of uncrete pump, chain saw operators, tile layers (sewer or field), sewer pipe layers (metallic and nonmetallic), motor-driven wheelbarrows and concrete buggies, hyster operators, pump crete assemblers, conveyor assemblers, core drill operators, cement, lime, or silica clay handlers (bulk or bag), pneumatic splikers, deck, engine and winch operator, water main and cable ducking (metallic and nonmetallic).....	5.15	.15	.25		.07	
Group C:						
Plaster tenders, mortar mixers, welders (acetylene or electric), cutting torch or burner, cement nozzle laborers, cement gun operator, scaffold builders when working for plasterer or masons, mason tenders.....	5.25	.15	.25		.07	
Group D:						
Tunnel work in free air:						
Muckers or tunnel laborers, bottommen, concretemen (bottom), miners, and headermen.....	5.35	.15	.25		.07	
Group E:						
Dynamitemen.....	5.95	.15	.25		.07	



## MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-1,845—88 F.R. 16246, Baltimore City and County, Md. Modification No. 1						
CHANGE:						
Building and heavy construction:						
Roofers:						
Roofers, damp and water proof workers.....	\$5.05	\$0.35	\$0.15			
Mopmen, slate and tile, asbestos and asphalt shingle.....	5.60	.35	.15			
Sheeter, precast slab, wood block.....	5.85	.35	.15			
WD No. AM-880—88 F.R. 16809, Genesee County, Mich. Modification No. 2						
CHANGE:						
Bricklayers.....						
Stonemasons.....	8.40	.35	.45			
Marble setters.....	8.40	.35	.45			
Roofers:						
Composition.....	8.15	.45	.40			
Helpers.....	4.63	.45	.40			
Slate and tile helpers.....	4.63	.45	.40			
WD No. AM-304—88 F.R. 16877, Wayne, Oakland, and Macomb Counties, Mich. Modification No. 3						
CHANGE:						
Roofers:						
Composition.....	8.07	.40	.35	\$0.30		
Slate and tile.....	8.82	.40	.35	.30		
WD No. AM-2,516—88 F.R. 17091, Flathead County, Mont. Modification No. 1						
CHANGE: Power equipment operators:						
A-frame truck crane, winch truck and similar.....	5.71	.35	.30		\$0.02	
Air compressor operator, single.....	5.40	.35	.30		.02	
Air compressor operator, 2 or more.....	5.67	.35	.30		.02	
Air doctor.....	5.87	.35	.30		.02	
Asphalt paving machine operator.....	5.87	.35	.30		.02	
Asphalt paving machine screed operator.....	5.87	.35	.30		.02	
Automatic finegrader, gullies and other similar types.....	6.00	.35	.30		.02	
Belt finishing machine operator.....	5.67	.35	.30		.02	
Bit grinder.....	5.87	.35	.30		.02	
Bitum, mixer paving, travel plant.....	5.87	.35	.30		.02	
Boring machine operator, jeep, pickup or farm tractor mounted.....	5.46	.35	.30		.02	
Boring machine operator, large.....	5.87	.35	.30		.02	
Broom operator self-propelled.....	5.54	.35	.30		.02	
Cableway highline operator.....	6.38	.35	.30		.02	
Cement silo operator.....	5.66	.35	.30		.02	
Central mixing plants, concrete dams and stationary.....	6.12	.35	.30		.02	
Chain bucket loader.....	5.69	.35	.30		.02	
Chip-gravel spreader, self-propelled.....	5.69	.35	.30		.02	
Concrete batch plant operator:						
1 and 2 mixers.....	5.87	.35	.30		.02	
3 and 4 mixers.....	6.07	.35	.30		.02	
5 mixers and over.....	6.27	.35	.30		.02	
Concrete batch plant roller:						
Up to and including 2 mixers.....	5.30	.35	.30		.02	
3 mixers and over.....	5.70	.35	.30		.02	
Concrete bucket dispatcher.....	5.87	.35	.30		.02	
Concrete curing machine.....	5.87	.35	.30		.02	
Concrete finish machine paving.....	5.87	.35	.30		.02	
Concrete float operator and spreader.....	5.87	.35	.30		.02	
Concrete mixer operator:						
3 bags and under.....	5.46	.35	.30		.02	
4 bags and over.....	5.63	.35	.30		.02	
Concrete powersaw't self-propelled.....	5.87	.35	.30		.02	
Concrete travel bacher.....	5.87	.35	.30		.02	
Conveyor loader operator up to and including 42-in. belt.....	5.45	.35	.30		.02	
Over 42-in. belt.....	5.67	.35	.30		.02	
Crane operator to and including 80-ft. boom with jib.....	6.03	.35	.30		.02	
Crane operator 81-ft. to 130-ft. boom.....	6.18	.35	.30		.02	
Crane operator 131-ft. to 150-ft. boom.....	6.23	.35	.30		.02	
Crane operator 151-ft. boom and over.....	6.28	.35	.30		.02	
Crane roller.....	5.44	.35	.30		.02	
Crusher operator.....	5.87	.35	.30		.02	
Crusher roller and helper.....	5.36	.35	.30		.02	
Crusher conveyor operator.....	5.33	.35	.30		.02	
Distributor operator.....	5.87	.35	.30		.02	
DW 10, 15, 20 tractor pulling roller.....	5.69	.35	.30		.02	
Electric overhead cranes.....	6.03	.35	.30		.02	
Elevating grader.....	5.87	.35	.30		.02	
Farm-type tractor:						
Up to and including 50 hp. engine.....	5.33	.35	.30		.02	
Over 50 hp. engine.....	5.41	.35	.30		.02	
Field equipment serviceman.....	5.79	.35	.30		.02	
Field equipment servicemen helper.....	5.36	.35	.30		.02	
Fireman.....	5.46	.35	.30		.02	
Forklift, on construction site.....	5.63	.35	.30		.02	
Form grader operator.....	5.64	.35	.30		.02	
Gradall operator.....	5.87	.35	.30		.02	
Grade setter.....	5.33	.35	.30		.02	
Heavy-duty drills, all types.....	5.87	.35	.30		.02	
Heavy-duty drills, helper.....	5.46	.35	.30		.02	
Herman Nelson heater and similar types.....	5.41	.35	.30		.02	
Hoist operator, single drum.....	5.64	.35	.30		.02	
Hoist operator, 2 or more drums.....	5.87	.35	.30		.02	
Helicopter hoist operator.....	6.37	.35	.30		.02	
Hot plant operator.....	5.87	.35	.30		.02	
Hot plant fireman.....	5.87	.35	.30		.02	
Hot plant roller, 100-ton per hour or over.....	5.36	.35	.30		.02	
Hydraulic and similar types.....	5.77	.35	.30		.02	
Industrial locomotives (all types).....	5.87	.35	.30		.02	
Mechanic and/or welder on job.....	5.97	.35	.30		.02	
Mechanic and/or welder helper on job.....	5.36	.35	.30		.02	
Mixer mobile.....	5.95	.35	.30		.02	
Motor patrol operator.....	6.00	.35	.30		.02	
Mountain logger or similar type.....	5.87	.35	.30		.02	
Mucking machine operator.....	5.87	.35	.30		.02	
Oiler, hoist house, dams.....	5.77	.35	.30		.02	

## MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Oiler-driver, rubber-tired cranes.....	\$5.44	\$0.33	\$0.30	.....	\$0.02	.....
Oiler, other than shovels and cranes.....	5.33	.....	.....	.....	.....	.....
Pavement breaker, Emeco and similar.....	5.87	.....	.....	.....	.....	.....
Paving and mixing machine operator.....	6.00	.....	.....	.....	.....	.....
Power auger large truck or tractor, mounted and punch.....	5.87	.....	.....	.....	.....	.....
Power mixer, single or double drum.....	5.87	.....	.....	.....	.....	.....
Powersaw, self-propelled, multiple cut.....	5.87	.....	.....	.....	.....	.....
Pumperete or grout machine operator.....	5.87	.....	.....	.....	.....	.....
Pumpman.....	5.40	.....	.....	.....	.....	.....
Push tractor.....	5.87	.....	.....	.....	.....	.....
Quad cat.....	5.17	.....	.....	.....	.....	.....
Refrigerator plant operator.....	5.87	.....	.....	.....	.....	.....
Retort operator.....	5.40	.....	.....	.....	.....	.....
Roller, on blade or hot mix oil paving.....	5.87	.....	.....	.....	.....	.....
Roller, on other than hot mix oil paving.....	5.87	.....	.....	.....	.....	.....
Roller, 25-ton or over.....	5.87	.....	.....	.....	.....	.....
Ross and similar type carriers on construction site.....	5.87	.....	.....	.....	.....	.....
Rubber-tired dozer.....	5.87	.....	.....	.....	.....	.....
Rubber-tired front end loader:						
1 cy. and under.....	5.13	.....	.....	.....	.....	.....
Over 1 cy. to and including 3 cy.....	5.87	.....	.....	.....	.....	.....
Over 3 cy. to and including 5 cy.....	5.90	.....	.....	.....	.....	.....
Over 5 cy. to and including 10 cy.....	6.00	.....	.....	.....	.....	.....
Over 10 cy. to and including 15 cy.....	6.19	.....	.....	.....	.....	.....
Over 15 cy. (Factory rating, not to include sideboard).....	6.29	.....	.....	.....	.....	.....
Scraper, DW 15, 20, 21 and similar type if power unit is not used.....	5.87	.....	.....	.....	.....	.....
Scraper, single engine.....	6.00	.....	.....	.....	.....	.....
Scraper, single or twin engine, pulling belly dump trailer.....	6.23	.....	.....	.....	.....	.....
Scraper, twin engine.....	6.10	.....	.....	.....	.....	.....
Scraper, tandem engine.....	6.00	.....	.....	.....	.....	.....
Self-propelled sheeps foot and similar type.....	5.87	.....	.....	.....	.....	.....
Shovels, including all attachments under 1 cy.....	5.87	.....	.....	.....	.....	.....
Shovels, including all attachments 1 cy. to and including 3 cy.....	6.05	.....	.....	.....	.....	.....
Shovels, including all attachments over 3 cy. to and including 5 cy.....	6.32	.....	.....	.....	.....	.....
Shovels, including all attachments over 5 cy.....	6.45	.....	.....	.....	.....	.....
Shovels, oiler, 3 cy. and under.....	5.33	.....	.....	.....	.....	.....
Shovels, oiler, over-3 cy.....	5.77	.....	.....	.....	.....	.....
Sillp form paver operator.....	6.00	.....	.....	.....	.....	.....
Stiff-leg derrick and guy derrick operator.....	6.32	.....	.....	.....	.....	.....
Track-type front-end loaders:						
Up to and including 5 cy.....	5.87	.....	.....	.....	.....	.....
Over 5 cy. to and including 10 cy.....	6.10	.....	.....	.....	.....	.....
Over 10 cy. to and including 15 cy.....	6.20	.....	.....	.....	.....	.....
Over 15 cy.....	6.30	.....	.....	.....	.....	.....
Track-type tractor with or without attachments.....	5.87	.....	.....	.....	.....	.....
Track-type tractor, on Euclid loader.....	6.05	.....	.....	.....	.....	.....
Trenching machine operator.....	5.87	.....	.....	.....	.....	.....
Turnhead conveyor operator or head tower operator on batch plant.....	5.87	.....	.....	.....	.....	.....
Wagner roller and similar type.....	5.87	.....	.....	.....	.....	.....
Whirley crane operator.....	6.40	.....	.....	.....	.....	.....
Whirley crane oiler.....	5.77	.....	.....	.....	.....	.....
Water pull when used for compaction.....	5.87	.....	.....	.....	.....	.....
Washing and screening plant operator.....	5.87	.....	.....	.....	.....	.....
Washing and screening plant oiler.....	5.33	.....	.....	.....	.....	.....
WD No. AM-2,519—SS F.R. 17101, Missoula County, Mont. Modification No. 1						
CHANGE: Power equipment operators:						
A-frame truck crane, winch truck and similar.....	5.71	.....	.....	.....	.....	.....
Air compressor operator, single.....	5.40	.....	.....	.....	.....	.....
Air compressor operator, 2 or more.....	5.57	.....	.....	.....	.....	.....
Air Doctor.....	5.87	.....	.....	.....	.....	.....
Asphalt paving machine operator.....	5.87	.....	.....	.....	.....	.....
Asphalt paving machine screed operator.....	5.87	.....	.....	.....	.....	.....
Automatic finegrader, guries and other similar types.....	6.00	.....	.....	.....	.....	.....
Belt finishing machine operator.....	5.87	.....	.....	.....	.....	.....
Bit grinder.....	5.87	.....	.....	.....	.....	.....
Bitum, mixer paving, travel plant.....	5.87	.....	.....	.....	.....	.....
Boring machine operator, jeep, pickup, or farm tractor mounted.....	5.40	.....	.....	.....	.....	.....
Boring machine operator, large.....	5.87	.....	.....	.....	.....	.....
Broom operator self-propelled.....	5.64	.....	.....	.....	.....	.....
Cableway highline operator.....	6.33	.....	.....	.....	.....	.....
Cement silo operator.....	6.05	.....	.....	.....	.....	.....
Central mixing plants, concrete dams and stationary.....	6.12	.....	.....	.....	.....	.....
Chain bucket loader.....	5.23	.....	.....	.....	.....	.....
Chip-Gravel spreader, self-propelled.....	5.23	.....	.....	.....	.....	.....
Concrete batch plant operator:						
1 and 2 mixers.....	5.87	.....	.....	.....	.....	.....
3 and 4 mixers.....	6.07	.....	.....	.....	.....	.....
5 mixers and over.....	6.27	.....	.....	.....	.....	.....
Concrete batch plant oiler:						
Up to and including 2 mixers.....	5.30	.....	.....	.....	.....	.....
3 mixers and over.....	5.70	.....	.....	.....	.....	.....
Concrete bucket dispatcher.....	5.87	.....	.....	.....	.....	.....
Concrete curing machine.....	5.87	.....	.....	.....	.....	.....
Concrete finish machine paving.....	5.87	.....	.....	.....	.....	.....
Concrete float operator and spreader.....	5.87	.....	.....	.....	.....	.....
Concrete mixer operator:						
3 bags and under.....	5.40	.....	.....	.....	.....	.....
4 bags and over.....	5.63	.....	.....	.....	.....	.....
Concrete powersaw, self-propelled.....	5.87	.....	.....	.....	.....	.....
Concrete travel batcher.....	5.87	.....	.....	.....	.....	.....
Conveyor loader operator up to and including 42-in. belt.....	5.45	.....	.....	.....	.....	.....
Over 42-in. belt.....	5.67	.....	.....	.....	.....	.....
Crane operator to and including 80-ft. boom with jib.....	6.03	.....	.....	.....	.....	.....
Crane operator 81-ft. to 130-ft. boom.....	6.18	.....	.....	.....	.....	.....
Crane operator 131-ft. to 150-ft. boom.....	6.23	.....	.....	.....	.....	.....
Crane operator 151-ft. boom and over.....	6.23	.....	.....	.....	.....	.....
Crane oiler.....	5.44	.....	.....	.....	.....	.....
Crusher operator.....	5.87	.....	.....	.....	.....	.....
Crusher oiler and helper.....	5.23	.....	.....	.....	.....	.....
Crusher conveyor operator.....	5.33	.....	.....	.....	.....	.....
Distributor operator.....	5.87	.....	.....	.....	.....	.....
DW 10, 15, 20 tractor pulling roller.....	6.03	.....	.....	.....	.....	.....
Electric overhead cranes.....	5.87	.....	.....	.....	.....	.....
Elevating grader.....	5.87	.....	.....	.....	.....	.....

## MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Farm-type tractor:						
Up to and including 50 hp. engine.....	\$5.33	\$0.35	\$0.30		\$0.02	
Over 50 hp. engine.....	5.41	.35	.30		.02	
Field equipment serviceman.....	5.70	.35	.30		.02	
Field equipment serviceman helper.....	5.36	.35	.30		.02	
Fireman.....	5.46	.35	.30		.02	
Forklift, on construction site.....	5.68	.35	.30		.02	
Form grader operator.....	5.64	.35	.30		.02	
Gradall operator.....	5.87	.35	.30		.02	
Grade setter.....	5.33	.35	.30		.02	
Heavy-duty drills, all types.....	5.87	.35	.30		.02	
Heavy-duty drills, helper.....	5.46	.35	.30		.02	
Herman Nelson heater and similar types.....	5.41	.35	.30		.02	
Hoist operator, single drum.....	5.64	.35	.30		.02	
Hoist operator, 2 or more drums.....	5.87	.35	.30		.02	
Helicopter hoist operator.....	6.37	.35	.30		.02	
Hot plant operator.....	5.87	.35	.30		.02	
Hot plant fireman.....	5.87	.35	.30		.02	
Hot plant oiler, 100-ton per hour or over.....	6.36	.35	.30		.02	
Hydrallift and similar types.....	6.77	.35	.30		.02	
Industrial locomotives (all types).....	5.87	.35	.30		.02	
Mechanic and/or welder on job.....	5.97	.35	.30		.02	
Mechanic and/or welder helper on job.....	5.36	.35	.30		.02	
Mixermobile.....	5.95	.35	.30		.02	
Motor patrol operator.....	6.00	.35	.30		.02	
Mountain logger or similar type.....	5.87	.35	.30		.02	
Mucking machine operator.....	5.87	.35	.30		.02	
Oiler, hoist house, dams.....	5.77	.35	.30		.02	
Oiler-driver, rubber-tired cranes.....	5.44	.35	.30		.02	
Oiler, other than shovels and cranes.....	5.36	.35	.30		.02	
Pavement breaker, Emsco and similar.....	5.87	.35	.30		.02	
Paving and mixing machine operator.....	6.00	.35	.30		.02	
Power auger large truck or tractor, mounted and punch.....	5.87	.35	.30		.02	
Power mixer, single or double drum.....	5.87	.35	.30		.02	
Powersaw, self-propelled, multiple cut.....	5.87	.35	.30		.02	
Pumpcrete or grout machine operator.....	5.87	.35	.30		.02	
Pumpman.....	5.40	.35	.30		.02	
Push tractor.....	5.87	.35	.30		.02	
Quad cat.....	6.17	.35	.30		.02	
Refrigerator plant operator.....	5.87	.35	.30		.02	
Retort operator.....	5.46	.35	.30		.02	
Roller, on blade or hot mix oil paving.....	5.87	.35	.30		.02	
Roller, on other than hot mix oil paving.....	5.67	.35	.30		.02	
Roller, 25-ton or over.....	5.87	.35	.30		.02	
Ross and similar type carriers on construction site.....	5.87	.35	.30		.02	
Rubber-tired dozer.....	5.87	.35	.30		.02	
Rubber-tired Front-end Loader:						
1 cy. and under.....	5.58	.35	.30		.02	
Over 1 cy. to and including 3 cy.....	5.87	.35	.30		.02	
Over 3 cy. to and including 5 cy.....	5.99	.35	.30		.02	
Over 5 cy. to and including 10 cy.....	6.09	.35	.30		.02	
Over 10 cy. to and including 15 cy.....	6.19	.35	.30		.02	
Over 15 cy. (factory rating, not to include sideboards).....	6.29	.35	.30		.02	
Scraper, DW 15, 20, 21 and similar type if power unit is not used.....	5.87	.35	.30		.02	
Scraper, single engine.....	6.00	.35	.30		.02	
Scraper, single or twin engine, pulling belly dump trailer.....	6.25	.35	.30		.02	
Scraper, twin engine.....	6.10	.35	.30		.02	
Scraper, tandem engine.....	6.36	.35	.30		.02	
Self-propelled sheeps foot and similar type.....	5.87	.35	.30		.02	
Shovels, including all attachments under 1 cy.....	5.87	.35	.30		.02	
Shovels, including all attachments 1 cy. to and including 3 cy.....	6.05	.35	.30		.02	
Shovels, including all attachments over 3 cy. to and including 5 cy.....	6.32	.35	.30		.02	
Shovels, including all attachments over 5 cy.....	6.45	.35	.30		.02	
Shovels oiler, 3 cy. and under.....	5.36	.35	.30		.02	
Shovels oiler, over 3 cy.....	5.77	.35	.30		.02	
Slip form paver operator.....	6.00	.35	.30		.02	
Stiff-leg derrick and guy derrick operator.....	6.32	.35	.30		.02	
Track-type front-end loaders:						
Up to and including 5 cy.....	5.87	.35	.30		.02	
Over 5 cy. to and including 10 cy.....	6.10	.35	.30		.02	
Over 10 cy. to and including 15 cy.....	6.20	.35	.30		.02	
Over 15 cy.....	6.30	.35	.30		.02	
Track-type tractor with or without attachments.....	5.87	.35	.30		.02	
Track-type tractor, on Euclid loader.....	6.05	.35	.30		.02	
Trenching machine operator.....	5.87	.35	.30		.02	
Turnhead conveyor operator or head tower operator on batch plant.....	5.87	.35	.30		.02	
Wagner roller and similar type.....	5.87	.35	.30		.02	
Whirley crane operator.....	6.40	.35	.30		.02	
Whirley crane oiler.....	5.77	.35	.30		.02	
Water pull when used for compaction.....	5.87	.35	.30		.02	
Washing and screening plant operator.....	5.87	.35	.30		.02	
Washing and screening plant oiler.....	5.36	.35	.30		.02	
Scraper, tandem engine.....	6.26	.35	.30		.02	
Self-propelled sheeps foot and similar type.....	5.87	.35	.30		.02	
Shovels, including all attachments under 1 cy.....	5.87	.35	.30		.02	
Shovels, including all attachments 1 cy. to and including 3 cy.....	6.05	.35	.30		.02	
Shovels, including all attachments over 3 cy. to and including 5 cy.....	6.32	.35	.30		.02	
Shovels, including all attachments over 5 cy.....	6.45	.35	.30		.02	
Shovels oiler, 3 cy. and under.....	5.26	.35	.30		.02	
Shovels oiler, over 3 cy.....	5.77	.35	.30		.02	
Slip form paver operator.....	6.00	.35	.30		.02	
Stiff-leg derrick and guy derrick operator.....	6.32	.35	.30		.02	
Track-type front-end loaders:						
Up to and including 5 cy.....	5.87	.35	.30		.02	
Over 5 cy. to and including 10 cy.....	6.10	.35	.30		.02	
Over 10 cy. to and including 15 cy.....	6.20	.35	.30		.02	
Over 15 cy.....	6.30	.35	.30		.02	
Track-type tractor with or without attachments.....	5.87	.35	.30		.02	
Track-type tractor, on Euclid loader.....	6.05	.35	.30		.02	
Trenching machine operator.....	5.87	.35	.30		.02	
Turnhead conveyor operator or head tower operator on batch plant.....	5.87	.35	.30		.02	
Wagner roller and similar type.....	5.87	.35	.30		.02	
Whirley crane operator.....	6.40	.35	.30		.02	
Whirley crane oiler.....	5.77	.35	.30		.02	
Water pull when used for compaction.....	5.87	.35	.30		.02	
Washing and screening plant operator.....	5.87	.35	.30		.02	
Washing and screening plant oiler.....	5.36	.35	.30		.02	

## MODIFICATIONS—Continued

MONT-1-TD-1-2-3-d

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
<b>Truckdrivers:</b>						
Combination truck, concrete mixer and transit mixer:						
To and including 4 cu. yds.	\$4.63	\$3.20	\$3.20			
Over 4 cu. yds. to and including 6 cu. yds.	5.01	.30	.20			
Over 6 cu. yds. to and including 8 cu. yds.	5.09	.30	.20			
Over 8 cu. yds. to and including 10 cu. yds.	5.17	.30	.20			
Over 10 cu. yds.—additional \$0.08 per hour each additional 2 cu. yds. increment.						
Distributor driver and helper.	4.70	.20	.20			
<b>Dry batch trucks:</b>						
3-batch or under.	4.63	.30	.20			
Over 3-batch to and including 5 batch.	4.81	.30	.20			
Over 5-batch to and including 10 batch.	4.97	.30	.20			
Over 10-batch to and including 15 batch.	5.13	.30	.20			
Over 15-batch—additional \$0.15 per hour each additional 5-batch increment.						
Dump gravel spreader box; Pickup driver, hauling materials; pilot car driver, service drivers; teamsters and helpers; warehousemen, partsmen, cardex men, warehouse expediter.	4.63	.30	.20			
Dump trucks and similar equipment water level capacity, including sideboards:						
7 cu. yds. or less.	4.63	.30	.20			
Over 7 cu. yds. to and including 10 cu. yds.	4.81	.30	.20			
Over 10 cu. yds. to and including 15 cu. yds.	4.97	.30	.20			
Over 15 cu. yds. to and including 20 cu. yds.	5.11	.30	.20			
Over 20 cu. yds. to and including 25 cu. yds.	5.17	.30	.20			
Over 25 cu. yds. to and including 30 cu. yds.	5.23	.30	.20			
Over 30 cu. yds. to and including 35 cu. yds.	5.29	.30	.20			
Over 35 cu. yds. to and including 40 cu. yds.	5.35	.30	.20			
Over 40 cu. yds. to and including 45 cu. yds.	5.41	.30	.20			
Over 45 cu. yds.—additional \$0.08 per hour each additional 5 cu. yds. increment.						
<b>Dumpsters:</b>						
DW 20, DW21, or Euclid tractors, pulling P. R. 21 or similar dump wagons:	4.81	.30	.20			
To and including 25 cu. yds.	5.17	.30	.20			
Over 25 cu. yds. to and including 30 cu. yds.	5.23	.30	.20			
Over 30 cu. yds.—additional \$0.06 per hour each additional 5 cu. yds. increment.						
<b>Flat trucks:</b>						
To and including 3 tons.	4.63	.30	.20			
Over 3 tons factory rating.	5.03	.30	.20			
Fuel truck; servicemen; firemen.	5.15	.30	.20			
Lowboys, 4-wheel trailer, float semitrailer.	5.03	.30	.20			
Lumber carriers, lift trucks; power broom.	4.77	.30	.20			
Water tank drivers, petroleum products drivers:						
2,500 gals. and under.	4.63	.30	.20			
Over 2,500 gals. to and including 4,500 gals.	4.97	.30	.20			
Over 4,500 gals. to and including 6,000 gals.	5.17	.30	.20			
Over 6,000 gals. to and including 8,000 gals.	5.23	.30	.20			
Over 8,000 gals. to and including 10,000 gals.	5.31	.30	.20			
Over 10,000 gals.—additional \$0.08 per hour each additional 2,000 gals. increment.						
Winch, A-frame, Swedish crane, hydraulic, grout-crete, and combination mulching, seedling and fertilizing.	4.63	.30	.20			
Truck mechanic.	5.35	.30	.20			
All tunnel and underground work 10 percent additional.						

MONT-3-LAB-2-3-f

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
<i>WD No. AM-2,522—SS F.R. 17109, eastern counties: Blaine, Carter, Custer, Daniels, Dawson, Fallon, Garfield, McCone, Petroleum, Phillips, Powder River, Prairie, Richland, Roosevelt, Sheridan, Valley, and Wibaux, Mont. Modification No. 2</i>						
<b>CHANGE: Laborers:</b>						
Axeman; car; truck loader, scissorman; chuck tender, nipper (above ground); dumpman (spotter); fence erectors; flagman; general laborers; form stripper; landscape laborer; pilot car; riprap helper; sandblaster tailhoose man; pot tender; scaleman (weighing trucks); tool checker, toolhouseman; cosmoline, applying and removing; heater tender; sod cutter (hand operated); carpenter tender; switchman.	\$4.33	\$3.25	\$3.20		\$3.63	
Hand faller.	4.40	.25	.20		.63	
Concrete, asphalt saws; curb machine; form setter; nozzle man; air, water, gunite, place machine; powderman helper; sandblaster; stake jumper for equipment; scalemen; pipewrapper; powderman.	4.48	.25	.20		.63	
Asphalt raker; caisson workers (free air); cement handlers (bulks); cement mason tender; choker setters; concrete laborers (wet, dry); bucketman; signalman; creosote material handler, epoxy, other chemically injurious material; dumpman (graderman); jackhammer, pavement breaker, wagon driller, concrete vibrator, mechanical tamper, cat, truck mounted air operated drills; power-driven wheelbarrow; vibrating roller hand steered and other air tools; pipelayer (all types); spike driver single or dual or hand; riprapper; rodder, spreader (concrete); post hole digger (power auger).	4.54	.25	.20		.63	
High pressure machine nozzle man.	4.53	.25	.20		.63	
Tar pot operator.	4.63	.25	.20		.63	
Drills, air-trac, self-propelled; grade setter.	4.64	.25	.20		.63	
Rigger.	4.63	.25	.20		.63	
Drills, air-trac, with dual masts; high scaler.	4.74	.25	.20		.63	
Drills, air-trac, self-propelled, Mustang type or similar.	4.81	.25	.20		.63	
Powersaw (bucking) and (felling).	4.94	.25	.20		.63	
Core drill operator.	4.93	.25	.20		.63	
Welder.	5.53	.25	.20		.63	

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Power equipment operators:						
A-frame truck crane, winch truck and similar	\$5.71	\$0.35	\$0.30		\$0.02	
Air compressor operator, single	5.40	.35	.30		.02	
Air compressor operator, 2 or more	5.57	.35	.30		.02	
Air Doctor	5.87	.35	.30		.02	
Asphalt paving machine operator	5.87	.35	.30		.02	
Asphalt paving machine screed operator	5.87	.35	.30		.02	
Automatic finegrader, gullies and other similar types	6.00	.35	.30		.02	
Belt finishing machine operator	5.57	.35	.30		.02	
Bit grinder	5.87	.35	.30		.02	
Bitum. mixer, paving, travel plant	5.46	.35	.30		.02	
Boring machine operator, jeep, pickup, or farm tractor mounted	5.87	.35	.30		.02	
Boring machine operator, large	5.54	.35	.30		.02	
Broom operator, self-propelled	6.33	.35	.30		.02	
Cableway highline operator	5.66	.35	.30		.02	
Cement silo operator	6.12	.35	.30		.02	
Central mixing plants, concrete dams and stationary	5.59	.35	.30		.02	
Chain bucket loader	5.59	.35	.30		.02	
Chip-gravel spreader, self-propelled						
Concrete batch plant operator:						
1 and 2 mixers	5.87	.35	.30		.02	
3 and 4 mixers	6.07	.35	.30		.02	
5 mixers and over	6.27	.35	.30		.02	
Concrete batch plant oiler:						
Up to and including 2 mixers	5.39	.35	.30		.02	
3 mixers and over	5.70	.35	.30		.02	
Concrete bucket dispatcher	5.87	.35	.30		.02	
Concrete curing machine	5.87	.35	.30		.02	
Concrete finish machine paving	5.87	.35	.30		.02	
Concrete float operator and spreader	5.87	.35	.30		.02	
Concrete mixer operator:						
3 bags and under	5.46	.35	.30		.02	
4 bags and over	5.63	.35	.30		.02	
Concrete powersaw, self-propelled	5.87	.35	.30		.02	
Concrete travel batcher	5.87	.35	.30		.02	
Conveyor loader, operator up to and including 42-in. belt	5.45	.35	.30		.02	
Crane operator to and including 80-ft. boom with jib	6.03	.35	.30		.02	
Crane operator 81-ft. to 130-ft. boom	6.18	.35	.30		.02	
Crane operator 131-ft. to 160-ft. boom	6.23	.35	.30		.02	
Crane operator 161-ft. boom and over	6.28	.35	.30		.02	
Crane oiler	5.44	.35	.30		.02	
Crusher operator	5.87	.35	.30		.02	
Crusher oiler and helper	5.36	.35	.30		.02	
Crusher conveyor operator	5.33	.35	.30		.02	
Distributor operator	5.87	.35	.30		.02	
DW 10, 15, 20, tractor pulling roller	5.59	.35	.30		.02	
Electric overhead cranes	6.05	.35	.30		.02	
Elevating grader	5.87	.35	.30		.02	
Farm-type tractor:						
Up to and including 50 hp. engine	5.33	.35	.30		.02	
Over 50 hp. engine	5.41	.35	.30		.02	
Field equipment serviceman	5.79	.35	.30		.02	
Field equipment serviceman helper	5.36	.35	.30		.02	
Fireman	5.46	.35	.30		.02	
Forklift, on construction site	5.69	.35	.30		.02	
Form grader operator	5.64	.35	.30		.02	
Gradall operator	5.87	.35	.30		.02	
Grade setter	5.33	.35	.30		.02	
Heavy-duty drills all types	5.87	.35	.30		.02	
Heavy-duty drills, helper	5.46	.35	.30		.02	
Herman Nelson heater and similar types	5.41	.35	.30		.02	
Hoist operator, single drum	5.64	.35	.30		.02	
Hoist operator, 2 or more drums	5.87	.35	.30		.02	
Helicopter hoist operator	6.37	.35	.30		.02	
Hot plant operator	5.87	.35	.30		.02	
Hot plant fireman	5.87	.35	.30		.02	
Hot plant oiler, 100-ton per hour or over	5.36	.35	.30		.02	
Hydraulic and similar types	5.77	.35	.30		.02	
Industrial locomotives (all types)	5.87	.35	.30		.02	
Mechanic and/or welder on job	5.97	.35	.30		.02	
Mechanic and/or welder helper on job	5.36	.35	.30		.02	
Mixer/mobile	5.95	.35	.30		.02	
Motor patrol operator	6.00	.35	.30		.02	
Mountain logger or similar type	5.87	.35	.30		.02	
Mucking machine operator	5.87	.35	.30		.02	
Oiler, hoist house, dams	5.77	.35	.30		.02	
Oiler-driver, rubber-tired cranes	5.44	.35	.30		.02	
Oilers, other than shovels and cranes	5.36	.35	.30		.02	
Pavement breaker, Emeco and similar	5.87	.35	.30		.02	
Paving and mixing machine operator	6.00	.35	.30		.02	
Power auger large truck or tractor, mounted and punch	5.87	.35	.30		.02	
Power mixer, single or double drum	5.87	.35	.30		.02	
Powersaw, self-propelled, multiple cut	5.87	.35	.30		.02	
Pumpcrete or grout machine operator	5.87	.35	.30		.02	
Pumpman	5.40	.35	.30		.02	
Push tractor	5.87	.35	.30		.02	
Quad cat	6.17	.35	.30		.02	
Refrigerator plant operator	5.87	.35	.30		.02	
Retort operator	5.46	.35	.30		.02	
Roller, on blade or hot mix oil paving	5.87	.35	.30		.02	
Roller, on other than hot mix oil paving	5.67	.35	.30		.02	
Roller, 25-ton or over	5.87	.35	.30		.02	
Ross and similar type carriers on construction site	5.87	.35	.30		.02	
Rubber-tired dozer	5.87	.35	.30		.02	
Rubber-tired front-end loader:						
1 cy. and under	5.58	.35	.30		.02	
Over 1 cy. to and including 3 cy.	5.87	.35	.30		.02	
Over 3 cy. to and including 5 cy.	5.99	.35	.30		.02	
Over 5 cy. to and including 10 cy.	6.09	.35	.30		.02	
Over 10 cy. to and including 15 cy.	6.19	.35	.30		.02	
Over 15 cy. (factory rating, not to include sideboards)	6.29	.35	.30		.02	



## MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Scraper, DW 15, 20, 21, and similar type if power unit is not used.....	\$5.87	\$0.33	\$0.20		\$0.02	
Scraper, single engine.....	6.00	.33	.20		.02	
Scraper, single or twin engine, pulling belly dump trailer.....	6.23	.33	.20		.02	
Scraper, twin engine.....	6.10	.33	.20		.02	
Scraper, tandem engine.....	6.23	.33	.20		.02	
Self-propelled sheeps foot and similar type.....	5.87	.33	.20		.02	
Shovels, including all attachments under 1 cy.....	5.87	.33	.20		.02	
Shovels, including all attachments 1 cy. to and including 3 cy.....	6.03	.33	.20		.02	
Shovels, including all attachments over 3 cy. to and including 5 cy.....	6.32	.33	.20		.02	
Shovels, including all attachments over 5 cy.....	6.45	.33	.20		.02	
Shovel oiler 3 cy. and under.....	5.25	.33	.20		.02	
Shovel oiler over 3 cy.....	5.77	.33	.20		.02	
Slip form paver operator.....	6.00	.33	.20		.02	
Stiff-leg derrick and guy derrick operator.....	6.32	.33	.20		.02	
Track-type front-end loaders:						
Up to and including 5 cy.....	5.87	.33	.20		.02	
Over 5 cy. to and including 10 cy.....	6.10	.33	.20		.02	
Over 10 cy. to and including 15 cy.....	6.20	.33	.20		.02	
Over 15 cy.....	6.20	.33	.20		.02	
Track-type tractor with or without attachments.....	5.87	.33	.20		.02	
Track-type tractor, on Euclid loader.....	6.03	.33	.20		.02	
Trenching machine operator.....	5.87	.33	.20		.02	
Turnhead conveyor operator or head tower operator on batch plant.....	5.87	.33	.20		.02	
Wagner roller and similar type.....	5.87	.33	.20		.02	
Whirley crane operator.....	6.49	.33	.20		.02	
Whirley crane oiler.....	5.77	.33	.20		.02	
Water pull when used for compaction.....	5.87	.33	.20		.02	
Washing and screening plant oiler.....	5.23	.33	.20		.02	
Washing and screening plant operator.....	5.87	.33	.20		.02	

## MOST-1—TD-1-2-3-d

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Truckdrivers:						
Combination truck; concrete mixer and transit mixer:						
To and including 4 cu. yds.....	\$4.63	\$0.30	\$0.20			
Over 4 cu. yds. to and including 6 cu. yds.....	5.01	.30	.20			
Over 6 cu. yds. to and including 8 cu. yds.....	5.09	.30	.20			
Over 8 cu. yds. to and including 10 cu. yds.....	5.17	.30	.20			
Over 10 cu. yds.—additional \$0.08 per hour each additional 2 cu. yds. increment.....						
Distributor driver and helper.....	4.70	.30	.20			
Dry batch trucks:						
3-batch or under.....	4.63	.30	.20			
Over 3-batch to and including 5-batch.....	4.81	.30	.20			
Over 5-batch to and including 10-batch.....	4.97	.30	.20			
Over 10-batch to and including 15-batch.....	5.13	.30	.20			
Over 15-batch—additional \$0.15 per hour each additional 5-batch increment.....						
Dump, gravel spreader box; pickup driver, hauling materials; pilot car driver, service drivers; teamsters and helpers; warehousemen, partsmen, cardex men, warehouse expeditors.....	4.63	.30	.20			
Dump trucks and similar equipment water level capacity, including sideboards:						
7 cu. yds. or less.....	4.63	.30	.20			
Over 7 cu. yds. to and including 10 cu. yds.....	4.81	.30	.20			
Over 10 cu. yds. to and including 15 cu. yds.....	4.97	.30	.20			
Over 15 cu. yds. to and including 20 cu. yds.....	5.11	.30	.20			
Over 20 cu. yds. to and including 25 cu. yds.....	5.17	.30	.20			
Over 25 cu. yds. to and including 30 cu. yds.....	5.23	.30	.20			
Over 30 cu. yds. to and including 35 cu. yds.....	5.29	.30	.20			
Over 35 cu. yds. to and including 40 cu. yds.....	5.35	.30	.20			
Over 40 cu. yds. to and including 45 cu. yds.....	5.41	.30	.20			
Over 45 cu. yds.—additional \$0.06 per hour each additional 5 cu. yds. increment.....						
Dumpsters.....	4.81	.30	.20			
DW20, DW21, or Euclid tractors, pulling P. R. 21 or similar dump wagons:						
To and including 25 cu. yds.....	5.17	.30	.20			
Over 25 cu. yds. to and including 30 cu. yds.....	5.23	.30	.20			
Over 30 cu. yds. additional \$0.06 per hour each additional 5 cu. yds. increment.....						
Flat trucks:						
To and including 3 tons.....	4.63	.30	.20			
Over 3 tons factory rating.....	5.03	.30	.20			
Fuel truck; servicemen; tiremen.....	5.15	.30	.20			
Lowboys, 4-wheel trailer, float semitrailer.....	5.03	.30	.20			
Lumber carriers, lift trucks; power broom.....	4.77	.30	.20			
Water tank drivers, petroleum products drivers:						
2,500 gals. and under.....	4.63	.30	.20			
Over 2,500 gals. to and including 4,500 gals.....	4.97	.30	.20			
Over 4,500 gals. to and including 6,000 gals.....	5.17	.30	.20			
Over 6,000 gals. to and including 8,000 gals.....	5.23	.30	.20			
Over 8,000 gals. to and including 10,000 gals.....	5.31	.30	.20			
Over 10,000 gals.—additional \$0.08 per hour each additional 2,000 gals. increment.....						
Winch, A-frame, Swedish crane, hydraulic, grout-crete, and combination mulching, seedling and fertilizing.....	4.63	.30	.20			
Truck mechanic.....	5.25	.30	.20			
All tunnel and underground work 10 percent additional.....						

## MODIFICATIONS—Continued

MONT-1-PEO-1-2-3-f

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-2, 523—\$6 F.R. 17118, western counties: Beaverhead, Big Horn, Broadwater, Carbon, Cascade, Chouteau, Deer Lodge, Fergus, Flathead, Gallatin, Glacier, Golden Valley, Granite, Hill, Jefferson, Judith Basin, Lake, Lewis and Clark, Liberty, Lincoln, Madison, Meagher, Mineral, Missoula, Musselshell, Park, Pondera, Powell, Ravalli, Rosebud, Sanders, Silver Bow, Stillwater, Sweetgrass, Teton, Toole, Treasure, Wheatland, and Yellowstone, Mont. Modification No. 2						
CHANGE: Power equipment operators: (Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli, Sanders, Glacier National Park, north one-half of Powell):						
A-frame truck crane, winch truck and similar.....	\$5.71	\$0.35	\$0.30		\$0.02	
Air compressor operator, single.....	5.40	.35	.30		.02	
Air compressor operator, 2 or more.....	5.67	.35	.30		.02	
Air doctor.....	5.87	.35	.30		.02	
Asphalt paving machine operator.....	5.87	.35	.30		.02	
Asphalt paving machine screed operator.....	5.87	.35	.30		.02	
Automatic finegrader, guries and other similar types.....	6.00	.35	.30		.02	
Belt finishing machine operator.....	5.67	.35	.30		.02	
Bit grinder.....	5.87	.35	.30		.02	
Bitum, mixer paving, travel plant.....	5.87	.35	.30		.02	
Boring machine operator, jeep, pickup, or farm tractor mounted.....	5.46	.35	.30		.02	
Boring machine operator, large.....	5.87	.35	.30		.02	
Broom operator self-propelled.....	5.54	.35	.30		.02	
Cableway highline operator.....	6.38	.35	.30		.02	
Cement silo operator.....	5.66	.35	.30		.02	
Central mixing plants, concrete dams and stationary.....	6.12	.35	.30		.02	
Chain bucket loader.....	5.69	.35	.30		.02	
Chip-gravel spreader, self-propelled.....	5.69	.35	.30		.02	
Concrete batch plant operator:						
1 and 2 mixers.....	5.87	.35	.30		.02	
3 and 4 mixers.....	6.07	.35	.30		.02	
5 mixers and over.....	6.27	.35	.30		.02	
Concrete batch plant roller:						
up to and including 2 mixers.....	5.33	.35	.30		.02	
3 mixers and over.....	5.70	.35	.30		.02	
Concrete bucket dispatcher, concrete curing machine.....	5.87	.35	.30		.02	
Concrete finish machine paving.....	5.87	.35	.30		.02	
Concrete float operator and spreader.....	5.87	.35	.30		.02	
Concrete mixer operator:						
3 bags and under.....	5.46	.35	.30		.02	
4 bags and over.....	5.63	.35	.30		.02	
Concrete powersaw, self-propelled.....	5.87	.35	.30		.02	
Concrete travel batcher.....	5.87	.35	.30		.02	
Conveyor loader operator up to and including 42-in. belt.....	5.45	.35	.30		.02	
Over 42-in. belt.....	5.67	.35	.30		.02	
Crane operator to and including 80-ft. boom with jib.....	6.03	.35	.30		.02	
Crane operator 81-ft. to 130-ft. boom.....	6.18	.35	.30		.02	
Crane operator 131-ft. to 160-ft. boom.....	6.23	.35	.30		.02	
Crane operator 161-ft. boom and over.....	6.28	.35	.30		.02	
Crane roller.....	5.44	.35	.30		.02	
Crusher operator.....	5.87	.35	.30		.02	
Crusher roller and helper.....	5.36	.35	.30		.02	
Crusher conveyor operator.....	5.33	.35	.30		.02	
Distributor operator.....	5.87	.35	.30		.02	
DW 10, 15, 20, tractor pulling roller.....	5.69	.35	.30		.02	
Electric overhead cranes.....	6.05	.35	.30		.02	
Elevating grader.....	5.87	.35	.30		.02	
Farm-type tractor:						
Up to and including 50 hp. engine.....	5.33	.35	.30		.02	
Over 50 hp. engine.....	5.41	.35	.30		.02	
Field equipment serviceman.....	5.79	.35	.30		.02	
Field equipment serviceman helper.....	5.36	.35	.30		.02	
Fireman.....	5.46	.35	.30		.02	
Forklift, on construction site.....	5.68	.35	.30		.02	
Form grader operator.....	5.64	.35	.30		.02	
Gradall operator.....	5.87	.35	.30		.02	
Grade setter.....	5.33	.35	.30		.02	
Heavy-duty drills (all types).....	5.87	.35	.30		.02	
Heavy-duty drills, helper.....	5.46	.35	.30		.02	
Herman Nelson heater and similar types.....	5.41	.35	.30		.02	
Hoist operator, single drum.....	5.64	.35	.30		.02	
Hoist operator, 2 or more drums.....	5.87	.35	.30		.02	
Helicopter hoist operator.....	6.37	.35	.30		.02	
Hot plant operator.....	5.87	.35	.30		.02	
Hot plant fireman.....	5.87	.35	.30		.02	
Hot plant roller, 100-ton per hour or over.....	5.36	.35	.30		.02	
Hydralift and similar types.....	5.77	.35	.30		.02	
Industrial locomotives (all types).....	5.87	.35	.30		.02	
Mechanic and/or welder on job.....	5.97	.35	.30		.02	
Mechanic and/or welder helper on job.....	5.36	.35	.30		.02	
Mixermobile.....	5.95	.35	.30		.02	
Motor patrol operator.....	6.00	.35	.30		.02	
Mountain logger or similar type.....	5.87	.35	.30		.02	
Mucking machine operator.....	5.87	.35	.30		.02	
Oiler, hoist house, dams.....	5.77	.35	.30		.02	
Oiler-driver, rubber-tired cranes.....	5.44	.35	.30		.02	
Oiler, other than shovels and cranes.....	5.36	.35	.30		.02	
Pavement breaker, Emeco and similar.....	5.87	.35	.30		.02	
Paving and mixing machine operator.....	6.00	.35	.30		.02	
Power auger large truck or tractor, mounted and punch.....	5.87	.35	.30		.02	
Power mixer, single or double drum.....	5.87	.35	.30		.02	
Powersaw, self-propelled, multiple cut.....	5.87	.35	.30		.02	
Pumperete or grout machine operator.....	5.87	.35	.30		.02	
Pumpman.....	5.40	.35	.30		.02	
Push tractor.....	5.87	.35	.30		.02	
Quad cat.....	6.17	.35	.30		.02	
Refrigerator plant operator.....	5.87	.35	.30		.02	
Retort operator.....	5.46	.35	.30		.02	
Roller, on blade or hot mix oil paving.....	5.87	.35	.30		.02	
Roller, on other than hot mix oil paving.....	5.87	.35	.30		.02	
Roller, 25-ton or over.....	5.87	.35	.30		.02	
Ross and similar type carriers on construction site.....	5.87	.35	.30		.02	
Rubber-tired dozer.....	5.87	.35	.30		.02	

## MODIFICATIONS--Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Rubber-tired front-end loader:						
1 cy. and under	\$5.53	\$0.33	\$0.30		\$0.02	
Over 1 cy. to and including 3 cy.	5.87	.33	.30		.02	
Over 3 cy. to and including 5 cy.	5.91	.33	.30		.02	
Over 5 cy. to and including 10 cy.	6.01	.33	.30		.02	
Over 10 cy. to and including 15 cy.	6.19	.33	.30		.02	
Over 15 cy. (factory rating, not to including sideboards)	6.23	.33	.30		.02	
Scraper, DW 15, 20, 21, and similar type if power unit is not used	5.87	.33	.30		.02	
Scraper, single engine	6.00	.33	.30		.02	
Scraper, single or twin engine, pulling belly dump trailer	6.23	.33	.30		.02	
Scraper, twin engine	6.10	.33	.30		.02	
Scraper, tandem engine	6.33	.33	.30		.02	
Self-propelled sheeps foot and similar type	5.87	.33	.30		.02	
Shovels, including all attachments under 1 cy.	5.87	.33	.30		.02	
Shovels, including all attachments 1 cy. to and including 3 cy.	6.03	.33	.30		.02	
Shovels, including all attachments over 3 cy. to and including 5 cy.	6.32	.33	.30		.02	
Shovels, including all attachments over 5 cy.	6.45	.33	.30		.02	
Shovels oiler, 3 cy. and under	5.26	.33	.30		.02	
Shovels oiler, over 3 cy.	5.77	.33	.30		.02	
Slip form paver operator	6.00	.33	.30		.02	
Stiff-leg derrick and guy derrick operator	6.32	.33	.30		.02	
Track-type front-end loaders:						
Up to and including 5 cy.	5.87	.33	.30		.02	
Over 5 cy. to and including 10 cy.	6.10	.33	.30		.02	
Over 10 cy. to and including 15 cy.	6.29	.33	.30		.02	
Over 15 cy.	6.29	.33	.30		.02	
Track-type tractor with or without attachments	5.87	.33	.30		.02	
Track-type tractor, on Euclid loader	6.03	.33	.30		.02	
Trenching machine operator	5.87	.33	.30		.02	
Turnhead conveyor operator or head tower operator on batch plant	5.87	.33	.30		.20	
Wagner roller and similar type	5.87	.33	.30		.02	
Whirley crane operator	6.49	.33	.30		.02	
Whirley crane oiler	5.77	.33	.30		.02	
Water pull when used for compaction	5.87	.33	.30		.02	
Washing and screening plant operator	5.87	.33	.30		.02	
Washing and screening plant oiler	5.35	.33	.30		.02	

## MONR-5-PEO-2-3

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Remaining Counties						
A-frame truck crane, winch truck and similar.....	\$5.71	\$0.35	\$0.20		\$0.02	
Air compressor operator, single.....	5.49	.35	.30		.02	
Air compressor operator, 2 or more.....	5.57	.35	.30		.02	
Air doctor.....	5.87	.35	.30		.02	
Asphalt paving machine operator.....	5.87	.35	.30		.02	
Asphalt paving machine screed operator.....	5.87	.35	.30		.02	
Automatic finegrader, gullies and other similar types.....	6.00	.35	.30		.02	
Belt finishing machine operator.....	5.57	.35	.30		.02	
Bit grinder.....	5.87	.35	.30		.02	
Bitum. mixer, paving, travel plant.....	5.87	.35	.30		.02	
Boring machine operator, jeep, pickup or farm tractor mounted.....	5.46	.35	.30		.02	
Boring machine operator, large.....	5.87	.35	.30		.02	
Broom operator, self-propelled.....	5.51	.35	.30		.02	
Cableway highline operator.....	6.38	.35	.30		.02	
Cement silo operator.....	5.66	.35	.30		.02	
Central mixing plants, concrete dams and stationary.....	6.12	.35	.30		.02	
Chain bucket loader.....	5.29	.35	.30		.02	
Chip-gravel spreader, self-propelled.....	5.59	.35	.30		.02	
Concrete batch plant operator:						
1 and 2 mixers.....	5.87	.35	.30		.02	
3 and 4 mixers.....	6.07	.35	.30		.02	
5 mixers and over.....	6.27	.35	.30		.02	
Concrete batch plant oiler:						
Up to and including 2 mixers.....	5.39	.35	.30		.02	
3 mixers and over.....	5.70	.35	.30		.02	
Concrete bucket dispatcher.....	5.87	.35	.30		.02	
Concrete curing machine.....	5.87	.35	.30		.02	
Concrete finish machine paving.....	5.87	.35	.30		.02	
Concrete float operator and spreader.....	5.87	.35	.30		.02	
Concrete mixer operator:						
3 bags and under.....	5.46	.35	.30		.02	
4 bags and over.....	5.63	.35	.30		.02	
Concrete powersaw, self-propelled.....	5.87	.35	.30		.02	
Concrete travel batcher.....	5.87	.35	.30		.02	
Conveyor loader, operator up to and including 42-in. belt.....	5.45	.35	.30		.02	
Crane operator to and including 80-ft. boom with jib.....	6.03	.35	.30		.02	
Crane operator, 81-ft. to 130-ft. boom.....	6.18	.35	.30		.02	
Crane operator, 131-ft. to 150-ft. boom.....	6.23	.35	.30		.02	
Crane operator, 151-ft. boom and over.....	6.28	.35	.30		.02	
Crane oiler.....	5.44	.35	.30		.02	
Crusher operator.....	5.87	.35	.30		.02	
Crusher oiler and helper.....	5.53	.35	.30		.02	
Crusher conveyor operator.....	5.33	.35	.30		.02	
Distributor operator.....	5.87	.35	.30		.02	
DW 10, 15, 20, tractor pulling roller.....	5.53	.35	.30		.02	
Electric overhead cranes.....	6.03	.35	.30		.02	
Elevating grader.....	5.87	.35	.30		.02	
Farm-type tractor:						
Up to and including 50 hp. engine.....	5.33	.35	.30		.02	
Over 50 hp. engine.....	5.41	.35	.30		.02	
Field equipment serviceman.....	5.79	.35	.30		.02	
Field equipment serviceman helper.....	5.36	.35	.30		.02	
Fireman.....	5.45	.35	.30		.02	
Forklift, on construction site.....	5.68	.35	.30		.02	
Form grader operator.....	5.64	.35	.30		.02	
Gradall operator.....	5.87	.35	.30		.02	
Grade setter.....	5.33	.35	.30		.02	

## MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Heavy-duty drills, all types.....	\$5.87	\$0.35	\$0.30		\$0.03	
Heavy-duty drills, helper.....	5.46	.35	.30		.02	
Herman Nelson heater and similar types.....	5.41	.35	.30		.02	
Holst operator, single drum.....	5.64	.35	.30		.02	
Holst operator, 2 or more drums.....	5.87	.35	.30		.02	
Helicopter hoist operator.....	6.37	.35	.30		.02	
Hot plant operator.....	5.87	.35	.30		.02	
Hot plant fireman.....	5.87	.35	.30		.02	
Hot plant oiler, 100-ton per hour or over.....	5.36	.35	.30		.02	
Hydralift and similar types.....	5.77	.35	.30		.02	
Industrial locomotives (all types).....	5.87	.35	.30		.02	
Mechanic and/or welder on job.....	5.97	.35	.30		.02	
Mechanic and/or welder helper on job.....	5.36	.35	.30		.02	
Mixermobile.....	5.95	.35	.30		.02	
Motor patrol operator.....	6.00	.35	.30		.02	
Mountain logger or similar type.....	5.87	.35	.30		.02	
Mucking machine operator.....	5.87	.35	.30		.02	
Oiler, hoist house, dams.....	5.77	.35	.30		.02	
Oiler-driver, rubber-tired cranes.....	5.41	.35	.30		.02	
Oilers, other than shovels and cranes.....	5.36	.35	.30		.02	
Pavement breaker, Bimco and similar.....	5.87	.35	.30		.02	
Paving and mixing machine operator.....	6.00	.35	.30		.02	
Power auger large truck or tractor, mounted and punch.....	5.87	.35	.30		.02	
Power mixer, single or double drum.....	5.87	.35	.30		.02	
Powersaw, self-propelled, multiple cut.....	5.87	.35	.30		.02	
Pumperete or grout machine operator.....	5.87	.35	.30		.02	
Pumpman.....	5.40	.35	.30		.02	
Push tractor.....	5.87	.35	.30		.02	
Quad cat.....	6.17	.35	.30		.02	
Refrigerator plant operator.....	5.87	.35	.30		.02	
Retort operator.....	5.46	.35	.30		.02	
Roller, on blade or hot mix oil paving.....	5.87	.35	.30		.02	
Roller, on other than hot mix oil paving.....	5.57	.35	.30		.02	
Roller, 25-ton or over.....	5.87	.35	.30		.02	
Ross and similar type carriers on construction site.....	5.87	.35	.30		.02	
Rubber-tired dozer.....	5.87	.35	.30		.02	
Rubber-tired front-end loader:						
1 cy. and under.....	5.53	.35	.30		.02	
Over 1 cy. to and including 3 cy.....	5.87	.35	.30		.02	
Over 3 cy. to and including 5 cy.....	5.99	.35	.30		.02	
Over 5 cy. to and including 10 cy.....	6.09	.35	.30		.02	
Over 10 cy. to and including 15 cy.....	6.19	.35	.30		.02	
Over 15 cy. (factory rating, not to include sideboards).....	6.29	.35	.30		.02	
Scraper, DW 15, 20, 21, and similar type if power unit is not used.....	5.87	.35	.30		.02	
Scraper, single engine.....	6.00	.35	.30		.02	
Scraper, single or twin engine, pulling belly dump trailer.....	6.25	.35	.30		.02	
Scraper, twin engine.....	6.10	.35	.30		.02	
Scraper, tandem engine.....	6.36	.35	.30		.02	
Self-propelled sheeps foot and similar type.....	5.87	.35	.30		.02	
Shovels, including all attachments under 1 cy.....	5.87	.35	.30		.02	
Shovels, including all attachments 1 cy. to and including 3 cy.....	6.05	.35	.30		.02	
Shovels, including all attachments over 3 cy. to and including 5 cy.....	6.32	.35	.30		.02	
Shovels, including all attachments over 5 cy.....	6.45	.35	.30		.02	
Shovel oiler 3 cy. and under.....	5.36	.35	.30		.02	
Shovel oiler over 3 cy.....	5.77	.35	.30		.02	
Slip form paver operator.....	6.00	.35	.30		.02	
Stiff-leg derrick and guy derrick operator.....	6.32	.35	.30		.02	
Track-type front-end loaders:						
Up to and including 5 cy.....	5.87	.35	.30		.02	
Over 5 cy. to and including 10 cy.....	6.10	.35	.30		.02	
Over 10 cy. to and including 15 cy.....	6.20	.35	.30		.02	
Over 15 cy.....	6.30	.35	.30		.02	
Track-type tractor with or without attachments.....	5.87	.35	.30		.02	
Track-type tractor, on Euclid loader.....	6.05	.35	.30		.02	
Trenching machine operator.....	5.87	.35	.30		.02	
Turnhead conveyor operator or head tower operator on batch plant.....	5.87	.35	.30		.02	
Wagner roller and similar type.....	5.87	.35	.30		.02	
Whirley crane operator.....	6.40	.35	.30		.02	
Whirley crane oiler.....	5.77	.35	.30		.02	
Water pull when used for compaction.....	5.87	.35	.30		.02	
Washing and screening plant oiler.....	5.36	.35	.30		.02	
Washing and screening plant operator.....	5.87	.35	.30		.02	

## MONT-2-LAB-2-2-d

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Laborers:						
Core drill operator.....	\$5.13	\$0.25	\$0.20		\$0.03	
Powderman.....	5.09	.25	.20		.03	
Drills, air-tract with dual masts; high scaler.....	4.89	.25	.20		.03	
Drills, air-tract, self-propelled cat or truck mounted air operated drills; grade setter; powersaw (falling).....	4.79	.25	.20		.03	
High pressure machine nozzleman.....	4.73	.25	.20		.03	
Asphalt raker, calson workers (free air); cement handlers; choker setter; concrete laborers (wet or dry); bucketman and signalman; dumpman (grademan); jackhammer, pavement breaker, wagon driver, concrete vibrator, mechanical tamper, cat or truck mounted air operated drills, vibrating roller-hand steered, and other air tools; pipelayer (all types); pipewrapper; riprapper; roller and spreader (concrete); cement mason tender; powersaw (bucking); scaleman; rigger; spike driver, single or dual or hand; switchmen.....	4.69	.25	.20		.03	
Concrete, or asphalt saws; curb machine; form setter; nozzleman—air and water, gunite and placo machine; post hole digger (power auger); powder man helper; power-driven wheelbarrow; sand-blasters; tar pot operator.....	4.63	.25	.20		.03	
Hand faller.....	4.61	.25	.20		.03	

## MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Axeman; car and truck loaders, scissorman; chuck tender and nipper (above ground); cosmoline applying and removing; dumpman (spotter); fence erector and installer (including the installation and erection of fences, guard rails, median rails, reference posts, guide posts, and right-of-way markers); form stripper; general laborer; landscape laborer; pilot car; riprap helper; scalaman (weighing trucks); sandblaster; tallhoose man; pot tender; stake jumper for equipment; flagman; tool checker toolhouseman; heater tender; sod cutter (hand operated); carpenter tender; Concrete vibrator (5 in. and over)	\$4.53 4.75 4.84	\$0.25 .25 .25	\$0.20 .20 .20		\$0.63 .63 .63	
Drills, air-tract, self propelled, mustang type and similar	4.53	.25	.20		.63	
Welder						

## MONT-1-TD-1-2-3-d

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Truckdrivers:						
Combination truck; concrete mixer and transit mixer:						
To and including 4 cu. yds.	\$4.63	\$0.20	\$0.20			
Over 4 cu. yds. to and including 6 cu. yds.	5.01	.20	.20			
Over 6 cu. yds. to and including 8 cu. yds.	5.09	.20	.20			
Over 8 cu. yds. to and including 10 cu. yds.	5.17	.20	.20			
Over 10 cu. yds.—additional \$0.08 per hour each additional 2 cu. yds. increment.						
Distributor driver and helper	4.70	.20	.20			
Dry batch trucks:						
3-batch or under	4.63	.20	.20			
Over 3-batch to and including 5-batch	4.81	.20	.20			
Over 5-batch to and including 10-batch	4.97	.20	.20			
Over 10-batch to and including 15-batch	5.13	.20	.20			
Over 15-batch—additional \$0.15 per hour each additional 5-batch increment.						
Dump, gravel spreader box; pickup driver, hauling materials; pilot car driver, service drivers; teamsters and helpers; warehousemen, partsmen, cardex men, warehouse expediter	4.68	.20	.20			
Dump trucks and similar equipment water level capacity, including sideboards:						
7 cu. yds. or less	4.68	.20	.20			
Over 7 cu. yds. to and including 10 cu. yds.	4.81	.20	.20			
Over 10 cu. yds. to and including 15 cu. yds.	4.97	.20	.20			
Over 15 cu. yds. to and including 20 cu. yds.	5.11	.20	.20			
Over 20 cu. yds. to and including 25 cu. yds.	5.17	.20	.20			
Over 25 cu. yds. to and including 30 cu. yds.	5.23	.20	.20			
Over 30 cu. yds. to and including 35 cu. yds.	5.29	.20	.20			
Over 35 cu. yds. to and including 40 cu. yds.	5.35	.20	.20			
Over 40 cu. yds. to and including 45 cu. yds.	5.41	.20	.20			
Over 45 cu. yds.—additional \$0.06 per hour each additional 5 cu. yds. increment.						
Dumpsters:						
DW 20, DW 21, or Euclid tractors, pulling P.R. 21 or similar dump wagons:	4.81	.20	.20			
To and including 25 cu. yds.	5.17	.20	.20			
Over 25 cu. yds. to and including 30 cu. yds.	5.23	.20	.20			
Over 30 cu. yds. additional \$0.06 per hour each additional 5 cu. yds. increment.						
Flat trucks:						
To and including 3 tons.	4.68	.20	.20			
Over 3 tons factory rating.	5.03	.20	.20			
Fuel truck; servicemen; firemen.	5.15	.20	.20			
Lowboys, 4-wheel trailer, float semitrailer.	5.03	.20	.20			
Lumber carriers; lift trucks; power broom.	4.77	.20	.20			
Water tank drivers, petroleum products drivers:						
2,500 gals. and under	4.68	.20	.20			
Over 2,500 gals. to and including 4,500 gals.	4.97	.20	.20			
Over 4,500 gals. to and including 6,000 gals.	5.17	.20	.20			
Over 6,000 gals. to and including 8,000 gals.	5.23	.20	.20			
Over 8,000 gals. to and including 10,000 gals.	5.31	.20	.20			
Over 10,000 gals.—additional \$0.08 per hour each additional 2,000 gals. increment.						
Winch, A-frame, Swedish crane, hydraulic, grout-crete, and combination mulching, seeding and fertilizing	4.93	.20	.20			
Truck mechanic	5.25	.20	.20			
All tunnel and underground work 10 percent additional.						

## N.J.-5-LAB-5-H

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-1,707—35 F.R. 14805, Bergen County, N.J. Modification No. 1						
CHANGE:						
Building construction:						
Plumbers:						
E. Paterson, Fairlawn, Mahwah, Glen Rock, Ridgewood, Midland Park, Hohokus,						
Waldwick, Alendale, Ramsey, Oakland, Franklin Lakes, Saddle River.....	\$8.00	\$2.53	\$0.50	\$1.00	.....	
Tile setters.....	6.00	.45	.53	.15	.....	
Laborers, asphalt:						
Streets:						
Head rakers.....	5.49	.30	.34	a	.....	
Rakers.....	5.25	.30	.34	a	.....	
Tampers and smoothers, kettlemen, painters, top shovelers, and roller boys.....	5.00	.30	.34	a	.....	
Plant:						
Scale mixer and burnermen.....	5.25	.30	.34	a	.....	
Feeders and dustmen.....	5.00	.30	.34	a	.....	
WD No. AM-1,711—35 F.R. 14834, Essex County, N.J. Modification No. 1						
CHANGE:						
Building construction:						
Tile setters.....						
	6.00	.45	.53	.15	.....	
Laborers, asphalt:						
Streets:						
Head rakers.....	5.49	.30	.34	a	.....	
Rakers.....	5.25	.30	.34	a	.....	
Tampers and smoothers, kettlemen, painters, top shovelers, and roller boys.....	5.00	.30	.34	a	.....	
Plant:						
Scale mixer and burnermen.....	5.25	.30	.34	a	.....	
Feeders and dustmen.....	5.00	.30	.34	a	.....	



## MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-1, 712-56 F.R. 14841, Hudson County, N.J. Modification No. 1						
CHANGE:						
Building construction:						
Tile setters.....	\$6.66	\$9.45	\$0.555	\$0.15		
Laborers, asphalt:						
Streets:						
Head rakers.....	5.40	.36	.34	n		
Rakers.....	5.25	.36	.34	n		
Tampers and smoothers, kettlemen, painters, top shovelers, and roller boys.....	5.00	.36	.34	n		
Plant:						
Scale mixer and burnermen.....	5.25	.36	.34	n		
Feeders and dustmen.....	5.00	.36	.34	n		
WD No. AM-1,714-56 F.R. 14855, Middlesex County, N.J. Modification No. 1						
CHANGE:						
Building construction:						
Tile setters.....	6.66	.45	.555	.15		
Northern half of Middlesex County						
Laborers, asphalt:						
Streets:						
Head rakers.....	5.40	.36	.34	n		
Rakers.....	5.25	.36	.34	n		
Tampers and smoothers, kettlemen, painters, top shovelers, and roller boys.....	5.00	.36	.34	n		
Plant:						
Scale mixer and burnermen.....	5.25	.36	.34	n		
Feeders and dustmen.....	5.00	.36	.34	n		
WD No. AM-1,715-56 F.R. 14863, Monmouth County, N.J. Modification No. 1						
CHANGE:						
Building construction:						
Roofers:						
Allentown, Arnetown, Hornerstown, Cream Ridge, Imlaystown, New Sharon, Roosevelt, Clarksburg and Perrinville.....	8.14	.50	.30			
Tile setters.....	6.66	.45	.555	.15		
WD No. AM-1,716-56 F.R. 14870, Morris County, N.J. Modification No. 2						
CHANGE:						
Building construction:						
Princeton Borough, Princeton Township:						
Tile setters.....	6.66	.45	.555	.15		
Tile setters' helpers.....	6.25	0%	5%	2%		
Roofers:						
Roofers, composition, waterproofing and slate and asphalt shingle.....	8.14	\$0.50	\$0.30			
Sprinkler fitters:						
Town of Trenton.....	9.165	.25	.40		\$0.02	
WD No. AM-1,717-56 F.R. 14878, Ocean County, N.J. Modification No. 1						
CHANGE:						
Building construction:						
Roofers:						
Remainder of county.....	8.14	.50	.30			
WD No. AM-1,720-56 F.R. 14900, Union County, N.J. Modification No. 1						
CHANGE:						
Building construction:						
Tile setters.....	6.66	.45	.555	\$0.15		
Laborers, asphalt:						
Streets:						
Head rakers.....	5.40	.36	.34	n		
Rakers.....	5.25	.36	.34	n		
Tampers and smoothers, kettlemen, painters, top shovelers, and roller boys.....	5.00	.36	.34	n		
Plant:						
Scale mixer and burnermen.....	5.25	.36	.34	n		
Feeders and dustmen.....	5.00	.36	.34	n		

## Paid holidays:

A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.

## Footnote:

a. Holidays: A through F, Washington's Birthday; Armistice Day; Presidential Election Day; providing an employee works or is available for work 3 days in the work week in which the holiday falls.

## N.Y.-3-LAB-2-3-F

Classifications	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-1,724-SG F.R. 14921, Dutchess County, N.Y. Modification No. 1						
CHANGE:						
Building construction:						
Carpenters, building:						
Remainder of county:						
Carpenters and soft floor layers.....	\$7.30	7%	5%		\$0.05	
WD No. AM-1,726-SG F.R. 14932, Jefferson County, N.Y. Modification No. 1						
CHANGE:						
Heavy and highway construction:						
Laborers:						
Laborers and driller helpers.....	5.60	\$0.30	\$0.30	a		
Concrete aggregate bin, mortar mixer, hand or machine vibrator gin buggy, mason tenders, concrete bootmen, chain saw, jackhammer, pavement breaker, and all other gas, electric oil and air tool operators, bull float, tamper, pipelayers.....	5.80	.30	.30	a		
Drillers, asphalt rakers, stone or granite curb setters and acetylene torch operator.....	6.00	.30	.30	a		
Blasters, form setters, stone or granite curb setters.....	6.20	.30	.30	a		

## Paid holidays:

A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.

## Footnote:

a. Holidays: A through F, providing the employee works the day before and the day after the holiday.

## MODIFICATIONS—Continued

N.Y.-5-LAB-2-3-F

Classifications	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-1,727—56 FR. 14938, Monroe County, N.Y. Modification No. 1						
CHANGE:						
Building construction:						
Elevator constructors:						
Elevator constructors.....	\$3.56	\$3.195	\$0.20	$\frac{1}{2}a+b$	\$0.005	
Elevator constructors' helpers.....	5.09	.195	.50	$\frac{1}{2}a+b$	.005	
Elevator constructors' helpers (prob.).....	4.28					
Glaziers.....	7.12	.53	.29		.62	
Heavy and highway construction:						
Laborers:						
Laborers and driller helpers.....	5.29	.89	.49	a		
Concrete aggregate bin, mortar mixer, hand or machine, vibrator gin buggy, mason tenders, concrete bootmen, chain saw, jackhammer, pavement breaker, and all other gas, electric oil and air tool ops., bull float, tamper, pipelayers.....	5.49	.89	.49	a		
Drillers, asphalt rakers, stone or granite curb setters and acetylene torch operator.....	5.69	.89	.49	a		
Blasters, form setters, stone or granite curb setters.....	5.89	.89	.49	a		
Paid holidays:						
A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day;						
E—Thanksgiving Day; F—Christmas Day.						
Footnote:						
a. Holidays: A through F, providing the employee works the day before and the day after the holiday.						

NEW YORK-14-PEO-1-2-3-D

Classifications	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-1,729—56 F.R. 14950, Niagara County, N.Y. Modification No. 1						
CHANGE:						
Building construction:						
Carpenters:						
North Tonawanda:						
Carpenters and Millwrights.....	\$7.03	\$1.05	\$0.80		\$0.05	
Marble, tile and terrazzo workers' helpers.....	6.83	1.35	.49			
Building, heavy, and highway construction:						
Power equipment operators:						
Road rollers (over 7 tons) used on blacktop, crane work, shovels, derricks, steel erection, overhead or bridge cranes and clam buckets, excavating machines, trenchers, backfillers, cableways, draglines, backhoes, piledriving rigs, post drivers (except truck mounted post-drivers), concrete mixers 1 yd. and over, tunnel mucking machines, all tractors used in conjunction with scraperwagons, snowloader winch tractors, bulldozers, graders, black-top spreaders, air hoist (air tugger), front and back loaders (except small types), power-driven stone spreaders, portable stone crushers, crawler or rubber tire tractor with blade or bucket and crane boom or hoe boom or shovel boom attached (except farm-type crawler or rubber-tire tractor unless used with hydraulic back hoe), compressor with paving breaker attached, graders with bulldozer blades, multiple drum hoists with air compressor, single drum hoist when used to hoist steel, power-driven generator and compressor when used simultaneously, portable concrete batching machine, automatic batch plant operator, concrete spreader operator, finishing machine operator, form puller, self-propelled rollers (if on blacktop), scraper (double or single bowl), CMI grading machine, truck mounted concrete pump, self-propelled riding vibrators, hydraulic concrete joint jammer, Kolman loaders, concrete planers, mechanic, welder, euclid type belt loaders, mechanical and hydraulic pipe pushing machine, scoopmobiles, fork lifts and hoists which lift higher than 25 ft. ....	8.48	.35	.75	a		
Cranes carrying over 100 ft. of stick shall receive 50 cents above regular wage rate.						
Elevators, material hoists, road rollers (under 7 tons), tractors, pavement busters, jeep trenchers, pumps over 3 in., concrete blowers, air compressors over 125 cu. ft., compressors when used in banks of 2 and not over 3 within a 59-ft. radius, gunite machines, locomotives, scoopmobile, when used as a stationary hoist, or one which does not lift over 25 ft., concrete pumps, conveyors, gas or diesel driven temporary lighting and power systems of 25 kw. capacity or over, stone crushers and winch hoists mounted on trucks, all earth drills, LeTourneau turnatrails, highlift hoist which does not lift over 25 ft., gasoline heaters used in banks of 2 but not over 3, gasoline- or diesel-driven welding machines, trenchers, on the back of a jeep, small trenchers which excavate to a depth of not more than 4 ft., truck mounted post drivers, snow-go, small front or back loaders, small farm-type crawler or rubber-tire tractor with blade or bucket not to exceed 1/2 yd. capacity, single drum hoist (for materials other than steel), pug machine, pin puller, self-propelled rollers not on black top and under 7 tons, bobcat loader or forklift (which does not lift over 25 ft.).....	7.97	.35	.75	a		
Oilers, pumps up to and including 3 in., compressors up to and including 125 cu. ft., gas or diesel driven temporary lighting or power systems of 3 kw. capacity up to 25 kw., gas and electric vibrating machines, single gasoline heaters, all concrete mixers under 1 yd. except single bag mixer and aggregometer and cement bins.....	7.12	.32	.75	a		
Firemen (boilers).....	7.63	.59	.75	a		
Truck crane-oilers.....	7.29	.59	.75	a		
Paid holidays:						
A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day;						
E—Thanksgiving Day; F—Christmas Day.						
Footnote:						
a. Holidays: A through F, providing employee works the day before and the day after the holiday.						

N.Y. 23-LAB-2-3 D

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-1,730—56 F.R. 14955, Oneida County, N.Y. Modification No. 1						
CHANGE:						
Building construction:						
Bricklayers, etc., remainder of county:						
Bricklayers, cement masons, plasterers, and stonemasons.....	\$7.35	\$0.25	\$0.29			
Marble setters, terrazzo workers, and tile setters.....	6.62	.25	.69			

## MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
<i>Remainder of county</i>						
Heavy and highway construction:						
Laborers:						
Laborers and driller helpers.....	\$5.30	\$0.70	\$0.25	a		
Concrete-aggregate bin, mortar mixer, hand or machine vibrator gin buggy, mason tenders, concrete bootmen, chain saw, jackhammer, pavement breaker and all other gas, electric, oil, and air tool operators, bull float, tamper, pipelayers.....	5.50	.70	.25	a		
Drillers, asphalt rakers, stone or granite curb setters and acetylene torch operator.....	5.70	.70	.25	a		
Blasters, form setters, stone or granite curb setters.....	5.90	.70	.25	a		

Paid holidays:  
A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day;  
E—Thanksgiving Day; F—Christmas Day.

Footnote:  
a. Holidays: A through F, providing the employee works the day before and the day after the holiday.

## N.Y. 7—LAB-2-3 G

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
<i>Twns. of Florence, Camden, Annsville, Lee, Ara, Boonville, Western, Steuben, Vienna, Rome, Floyd, Vernon, Westmoreland, Augusta, and Verona</i>						
Heavy and highway construction:						
Laborers:						
Laborers and driller helpers.....	\$5.70	\$0.35	\$0.40	a		
Concrete aggregate bin, mortar mixer, hand or machine vibrator gin buggy, mason tenders, concrete bootmen, chain saw, jackhammer, pavement breaker, and all other gas, electric, oil, and air tool operators, bull float, tamper, pipelayers.....	5.90	.35	.40	a		
Drillers, asphalt rakers, stone or granite curb setters and acetylene torch operator.....	6.10	.35	.40	a		
Blasters, form setters, stone or granite curb setters.....	6.30	.35	.40	a		

WD No. AM-1,750—56 F.R. 14385, Westchester County, N.Y. Modification No. 1

## CHANGE:

Building construction:						
Tile setters.....	6.66	.45	.555			

Paid holidays:  
A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day;  
E—Thanksgiving Day; F—Christmas Day.

Footnote:  
a. Holidays: A through F, providing the employee works the day before and the day after the holiday.

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
<i>WD No. AM-411—56 F.R. 15929, Lucas County, Ohio. Modification No. 2</i>						
CHANGE: Roofers.....	\$8.39	\$0.25	\$0.20		\$0.01	
<i>WD No. AM-3,601—56 F.R. 16755, Oklahoma County, Okla. Modification No. 1</i>						
CHANGE: Plumbers—steamfitters.....	6.97	.25	.30		.05	
<i>WD No. AM-3,602—56 F.R. 16758, Tulsa County, Okla. Modification No. 1</i>						
CHANGE: Pipefitters.....	6.71	.35	.40		.05	

## Wis-15—LAB L

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-423—56 F.R. 16366, Brown County, Wis. Modification No. 1						
CHANGES:						
Building construction:						
Electricians.....	5.740	\$0.18	1%	3%	0.25%	
Laborers:						
Construction laborers, form stripper, form oiler, form cleaner, dumpmen, pitmen, building wrecker, plumbers laborer, motorized buggy operator, concrete laborer, air spade and chipping hammer, drag tender and signalman, concrete pump and nozzle man, bituminous worker, Plasterer tender, hod carrier, dry cement handler, kettlemen, vibrator operator, slacking line, tile setter helper, core drill operator.....	5.45	.25	\$0.15			
Jackhammer operator, driller, gunitmen, burner on wrecking, air operated concrete breaker, sheeting driver, power tamper, fork lift operator, jacking jack, terrazzo grinder, mortar and plaster mixer, creosote worker, bobcat operator, sand blaster, welder, mud jack operator, precast erector, bituminous raker and luteman.....	5.65	.25	.15			
WD No. AM-424—56 F.R. 16370, Dane County, Wis. Modification No. 1						
CHANGES:						
Building construction:						
Asbestos workers.....	7.38	.30	.50	\$0.35		
Cement masons.....	6.60	.15	.20			
WD No. AM-426—F.R. 16376, Juneau County, Wis. Modification No. 2						
CHANGE:						
Building construction:						
Asbestos workers.....	7.38	.30	.50	.35		

## MODIFICATIONS—Continued

Wis-22—LAB-Q

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-427--\$6 F.R. 15979, Kenosha County, Wis. Modification No. 1						
CHANGES:						
Building construction:						
Asbestos workers	7.33	\$0.20	\$0.50	\$0.33		
Carpenters	7.12	.49	.25		\$0.03	
Electricians	8.37	.23	1%			
Lathers	7.45		\$0.29		.01	
Millwrights	7.32	.49	.25		.03	
Painters, brush and roller	5.85	.49	.29			
Painters, structural steel	6.00	.49	.29			
Painters, spray	6.00	.49	.29			
Painters, swing stage	6.03	.49	.29			
Piledrivermen	7.17	.49	.25		.03	
Plumbers	7.59	.25	.25			
Footnotes:						
g. Holidays: A through F plus the day after Thanksgiving Day, Christmas Eve, and Good Friday.						
Laborers, paving construction:						
General laborers	5.45	.25	.29			
Cement handlers (cars and batch) truck dumpers and puddlers	5.55	.25	.29			
Hoppermen--asphalt	5.55	.25	.29			
Jack hammer, concrete buster	5.90	.25	.29			
Vibrator, air spade, chain saw, joint saw and curb machine operator	5.60	.25	.29			
Bituminous worker, raker and luteman	5.65	.25	.29			
Formsetter (concrete paving) and strike off man	5.70	.25	.29			
WD No. AM-428--\$6 F.R. 15984, La Crosse County, Wis. Modification No. 1						
CHANGE:						
Building construction:						
Asbestos workers	7.33	.30	.50	.33		
Bricklayers	6.70	.25	.15			
Stonemasons	6.70	.25	.15			
WD No. AM-429--\$6 F.R. 15988, Marathon County, Wis. Modification No. 1						
CHANGE:						
Building construction:						
Roofers	5.20			d		
WD No. AM-430--\$5 F.R. 15991, Milwaukee County, Wis. Modification No. 2						
CHANGES:						
Building construction:						
Asbestos workers	7.33	.30	.50	.33		
Bricklayers	7.19	.50	.50	.53		
Painters:						
Brush	6.50	.49	.25	.25		
Swing stage, up to 80 ft.	6.71	.49	.25	.25		
Structural steel	6.91	.49	.25	.25		
Spray and sandblasting	6.91	.49	.25	.25		
Swing stage, 80 ft. and over	6.81	.49	.25	.25		
Sprinkler fitters	7.85	.25	.49		.02	
Stonemasons	7.19	.50	.50	.53		
WD No. AM-432--\$6 F.R. 16000, Racine County, Wis. Modification No. 2						
CHANGES:						
Building construction:						
Asbestos workers	7.33	.30	.50	.33		
Carpenters (balance of county):						
Carpenters and soft floor layers	6.79	.25	.49	.30		
Millwrights	6.99	.49	.29	.29		
Cement masons	6.35	.25	.49	.29		
Electricians (Burlington)	7.17	.25	1%		0.25%	
Lathers	6.15		\$0.50		\$0.01	
Plumbers	7.37	.25	.49	.29+1		
Steamfitters	7.37	.25	.49	.29+1		
OMIT:						
Building construction:						
Carpenters (balance of county):						
Piledrivermen	5.04	.15	.10	.39		
ADD:						
Building construction:						
Footnote:						
i. Holidays: A through F, the day after Thanksgiving Day, and the day before Christmas.						
WD No. AM-433--\$5 F.R. 16005, Rock County, Wis. Modification No. 2						
CHANGES:						
Building construction:						
Asbestos workers	7.33	.30	.50	.33		
Bricklayers	7.54					
Stonemasons	7.54					
Cement masons	6.60	.15	.29			
Terrazzo workers	7.54					
Tile setters	7.54					
Cable splicers	7.22	.25	1%	0.5%+d	0.25%	
Ironworkers:						
Vicinity of Janesville, Beloit, Oxfordville, Shoplers, and Clinton:						
Structural, ornamental, and reinforcing	8.00	.175	\$0.125			
Laborers building, sewer and tunnel construction:						
Building construction:						
General laborers, concrete laborers building wrecker, form strippers concrete saw and power buggy operator	5.50	.29	.15			
Mortar mixer, power rammer, vibrator operator, air chisel operator (over 18 lbs.), chipping hammer operator (over 18 lbs.), forklift operator, railroad tamper, plaster mixer and concrete pump hose operator (1 man)	5.65	.29	.15			
Mason tender	5.50	.29	.15			
Pneumatic hammer (60 lbs. or over manufacturers specifications)	5.75	.29	.15			
Sewer, tunnel, shafts, waterman, and natural gas laborers:						
General laborer, watchman	5.50	.29	.15			
Pipelayer, manhole builder cement	5.50	.29	.15			
Caulker and bottomman	5.70	.29	.15			
Bracer	5.60	.29	.15			
Augerman on mechanical auger or pipe pusher	5.65	.29	.15			
Bituminous paving laborers:						
General laborer	5.50	.29	.15			
Raker and luteman	5.60	.29	.15			

## NOTICES

## MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-434—\$6 F.R. 16008, Waukesha County, Wis. Modification No. 1						
CHANGES:						
Building construction:						
Asbestos workers.....	\$7.33	\$0.30	\$0.50	\$0.35		
Bricklayers.....	7.19	.50	.50	.55		
Painters:						
Brush.....	6.16	.40	.25	.25		
Swing stage, up to 80 ft.....	6.71	.40	.25	.25		
Structural steel.....	6.91	.40	.25	.25		
Spray and sandblasting.....	6.91	.40	.25	.25		
Swing stage, 80 ft. and over.....	6.81	.40	.25	.25		
Plumbers.....	7.27	.35	.50	.35	\$0.63	
Sprinkler fitters (Milwaukee area).....	7.85	.25	.40		\$0.62	
Steamfitters.....	7.32	.50	.50	.35	\$0.62	
Stonemasons.....	7.19	.50	.50	.55		
WD No. AM-435—\$6 F.R. 16013, Winnebago County, Wis. Modification No. 2						
CHANGES:						
Building construction:						
Plumbers and steamfitters (remainder of county).....	6.16	.30	.55			
Roofers.....	5.39	.36	.20			
Roofers' helpers.....	4.79	.36	.20			
OMIT:						
Building construction:						
Footnotes:						
f. Includes \$0.20 contribution to a Holiday Fund.						
CHANGE:						
Building construction:						
Laborers:						
Construction laborers, form stripper, form oiler, form cleaner, dumpmen, pitmen, building wrecker, plumbers laborer, motorized buggy operator, concrete laborer, air spade and chipping hammer, drag tender and signalman, concrete pump and nozzleman, bituminous worker.....	5.45	.25	.15			
Plaster tender, hod carrier, dry cement handler, Kettlemen, vibrator operator, slacking line, tile setter helper, core drill operator.....	5.50	.25	.15			
Jackhammer operator, driller, gunite men, burner on wrecking, air operated concrete breaker, sheeting driver, power tamper, forklift operator, jacking jack, terrazzo grinder, mortar and plaster mixer, creosote worker, bob cat operator, sand blaster, welder, mud jack operator, precast erector, bituminous raker and luteman.....	5.65	.25	.15			

[FR Doc.71-14631 Filed 10-7-71;8:45 am]



# Manpower Administration EMERGENCY EMPLOYMENT ASSISTANCE

## Notice of Determinations of Allocations

Listed below, as required by section 6(d) of the Emergency Employment Act of 1971, is a determination of the amounts which the Secretary of Labor has allocated for the employment of eligible unemployed individuals in the specified areas.

Funds will be made available to Program Agents for areas with 6 percent or more unemployment to provide jobs for residents of high unemployment neighborhoods within their boundaries in accordance with standards for suballocation set forth in 29 CFR 55.33, published in the FEDERAL REGISTER on October 5, 1971, 36 F.R. 19364. In the case of Program Agents for areas with less than 6 percent unemployment, the funds are allocated specifically to areas of high unemployment designated by the Secretary within the jurisdiction of the Program Agent.

[Allocation, in thousands]

	For designated areas	For program agent distribution
<b>Alabama</b> .....		\$1,307.3
Birmingham (part).....		308.5
CEP.....	\$308.5	
Jefferson County (part).....		54.5
Bessemer.....	54.5	
Huntsville (part).....		108.3
CEP.....	108.3	
Etowah County.....		88.5
Mobile County.....		131.7
Balance of Alabama (parts).....		615.9
Cherokee County.....	68.2	
Coffee County.....	38.1	
Colbert County.....	76.5	
Cullman County.....	33.7	
Dekalb County.....	29.7	
Franklin County.....	36.2	
Greene County.....	36.7	
Lauderdale County.....	56.7	
Lawrence County.....	37.0	
Lowndes County.....	31.9	
Macon County.....	34.4	
Randolph County.....	100.3	
St. Clair County.....	36.4	
<b>Alaska</b> .....		1,818.6
Greater Anchorage Area		
Burrough.....		589.4
Balance of Alaska.....		1,229.3
<b>Arizona</b> .....		794.1
Phoenix (part).....		473.0
CEP.....	473.0	
Tucson (part).....		294.9
MNA.....	294.9	
Balance of Arizona (part).....		26.3
Graham County.....	26.3	
<b>Arkansas</b> .....		1,040.8
Sebastian County (part).....		42.8
Fort Smith Northside.....	42.8	
Balance of Arkansas (parts).....		998.0
Texarkana Model Neigh.....	42.0	
Columbia County.....	41.6	
Conway County.....	23.3	
Crawford County.....	68.8	
Crittenden County.....	53.4	
Faulkner County.....	52.3	
Franklin County.....	54.8	
Hot Spring County.....	27.6	
Independence County.....	53.3	
Johnson County.....	31.1	
Lawrence County.....	39.6	
Lincoln County.....	42.3	
Logan County.....	40.4	
Quachita County.....	80.1	
Polk County.....	41.2	
Randolph County.....	49.2	

[Allocation, in thousands]

	For designated areas	For program agent distribution
<b>Arkansas—Continued</b>		
Searcy County.....	\$30.5	
Union County.....	35.0	
Van Buren County.....	44.7	
White County.....	143.5	
<b>California</b> .....		\$30,863.9
Anaheim.....		347.5
Fullerton.....		85.3
Garden Grove.....		148.8
Huntington Beach.....		141.0
Orange City.....		101.0
Santa Ana.....		220.3
Orange County.....		884.6
Burbank.....		160.0
Compton.....		194.8
Inglewood.....		153.3
Long Beach.....		381.6
Los Angeles.....	6,890.1	
Norwalk.....		78.3
Pasadena (part).....		83.1
Poverty Neighborhood.....	88.1	
Pomona.....		120.6
Santa Monica.....		202.5
Torrance.....		161.5
Los Angeles County.....		5,233.3
Hayward.....		317.4
Oakland.....		587.0
Richmond.....		273.5
Contra Costa (part).....		281.3
Antioch.....	101.1	
Marina.....	53.4	
Pittsburg-West Pittsburg.....	140.8	
Riverside.....		320.2
Riverside County (part).....		62.2
Palm Springs.....	62.2	
Sacramento.....		290.5
San Bernardino.....		258.1
San Bernardino County (part).....		428.6
Barstow.....	60.0	
Colton.....	78.6	
Montclair.....	48.8	
Ontario.....	178.7	
Rialto.....	50.1	
Upland.....	50.7	
Victorville.....	31.7	
San Diego.....		632.8
San Diego County.....		437.3
San Francisco (same as S.F. County).....		1,551.6
San Jose.....		908.4
Stockton.....		223.5
San Joaquin County.....		620.2
Butte County.....		391.6
Fresno County.....		620.2
Humboldt County.....		244.7
Kern County (part).....		49.4
Delano.....	49.4	
Marin County (part).....		89.0
San Rafael.....	48.4	
San Anselmo.....	31.6	
Merced County.....		425.6
Monterey County.....		213.6
Napa County (part).....		101.2
Napa.....	101.2	
Placer County.....		92.6
San Mateo County (part).....		253.9
Daly City.....	97.8	
Pacific.....	84.4	
South San Francisco.....	83.7	
Santa Barbara County (part).....		433.0
Santa Barbara.....	212.7	
Santa Maria.....	83.0	
Isla Vista.....	104.9	
Santa Cruz County.....		239.0
Shasta County.....		192.6
Solano County.....		170.8
Sonoma County.....		429.8
Stanislaus County.....		1,378.9
Ventura County.....		514.2
Yolo County.....		110.4
Balance of California.....		1,613.0
<b>Colorado</b> .....		791.7
Denver (part).....		680.7
Poverty area EDA.....	680.7	
Balance of Colorado (parts).....		103.0
Conchos County.....	28.9	
La Plata County.....	45.8	
Trinidad MNA.....	30.3	
<b>Connecticut</b> .....		8,633.4
Bridgeport.....		1,634.0
Hartford.....		906.0
New Britain.....		660.7

[Allocation, in thousands]

	For designated areas	For program agent distribution
<b>Connecticut—Continued</b>		
New Haven.....		\$613.5
Norwalk.....		238.8
Stamford.....		278.6
Waterbury.....		647.1
Balance of Connecticut.....		4,328.7
<b>Delaware</b> .....		159.1
Wilmington.....		159.1
<b>District of Columbia</b> .....		639.8
Washington.....		639.8
<b>Florida</b> .....		1,257.1
Miami Beach.....		78.2
Miami (part).....		431.1
Miami.....	\$431.1	
Balance Dade County (part).....		383.7
Cocoanut Grove.....	59.4	
Perrine.....	104.9	
South Dade.....	111.1	
Opal-Locka.....	168.3	
Polk County.....		196.3
Tampa (part).....		163.9
Tampa Model Neighborhood.....	163.9	
Balance of Florida (part).....		28.9
Franklin County.....	28.9	
<b>Georgia</b> .....		2,207.4
Atlanta (part).....		450.2
CEP Area.....	450.2	
Columbus.....		118.5
Savannah (part).....		75.8
Model Cities Area.....	75.8	
Cobb County.....		291.2
Richmond County.....		166.8
Balance of Georgia (parts).....		1,315.0
Ben Hill County.....	51.4	
Cherokee County.....	43.4	
Columbia County.....	25.7	
Coweta County.....	59.3	
Crisp County.....	61.0	
Dawson County.....	25.9	
Dodge County.....	42.8	
Dooly County.....	60.8	
Douglas County.....	73.2	
Effingham County.....	34.5	
Fannin County.....	53.8	
Fayette County.....	27.3	
Floyd County.....	70.2	
Greene County.....	53.2	
Hall County.....	82.9	
Liberty County.....	23.7	
Madison County.....	28.0	
McDuffie County.....	43.4	
Miller County.....	33.7	
Murray County.....	33.9	
Newton County.....	28.7	
Paulding County.....	41.5	
Pike County.....	35.3	
Polk County.....	51.1	
Putnam County.....	57.5	
Screven County.....	29.5	
Troup County.....	58.5	
Twiggs County.....	45.5	
Union County.....	32.1	
<b>Hawaii</b> .....		153.3
Honolulu City County (part).....		153.3
Waialae.....	45.3	
Kalihi-Palama CEP.....	133.0	
<b>Idaho</b> .....		53.0
Balance of Idaho (parts).....		53.0
Benner County.....	53.0	
<b>Illinois</b> .....		7,442.4
Decatur City (part).....		32.1
Inner City.....	32.1	
Chicago (parts).....		3,492.5
Austin.....	183.1	
Chatham.....	183.3	
East Garfield.....	253.5	
Eastside.....	33.9	
Englewood.....	238.8	
Grand boulevard.....	125.0	
Greater Grand Cross.....	267.0	
Kenwood.....	45.7	
Logan Square.....	83.9	
Lower West Side.....	90.3	

[Allocation, in thousands]

[Allocation, in thousands]

[Allocation, in thousands]

	For designated areas	For program agent distribution
<b>Illinois—Continued</b>		
Near West Side	\$148.1	
North Lawndale	319.3	
Oakland	29.8	
Riverdale-Algfeld	92.3	
Roseland	60.6	
South Chicago	53.3	
South Deering	25.8	
South Lawndale	208.1	
South Shore	53.6	
Uptown	210.6	
Washington Park	106.5	
West Englewood	79.6	
West Garfield	246.8	
West Pullman	45.2	
West Town	158.6	
Woodlawn	126.6	
Balance of Cook County (parts)		\$161.7
Chicago Heights	60.2	
Harvey City	50.2	
Maywood	51.3	
Joliet		240.2
Peoria (part)		130.9
Below Buil Area	130.9	
Rockford		457.1
Springfield (part)		48.0
East Side	48.0	
Kane County		303.4
La Salle County		175.5
Madison County		185.1
Rock Island County		235.0
St. Clair County		629.2
Vermillion County		258.2
Balance of Illinois (parts)		1,070.6
Alexander	77.6	
Bond County	38.0	
Boone County	87.1	
Clinton County	30.4	
Franklin County	56.1	
Jackson County	91.8	
Jefferson County	52.3	
Jersey County	55.4	
Marion County	163.1	
Massac County	103.3	
Mercer County	47.6	
Perry County	37.8	
Richland County	33.8	
Union County	45.8	
White County	31.9	
Williamson County	103.5	
<b>Indiana</b>		
Evansville (part)		32.0
CEP Area	32.0	
Gary (part)		42.4
Model Neighborhood	42.4	
Indianapolis (part)		434.1
CEP Area	434.1	
South Bend		114.4
St. Joseph County		132.8
Clark County		189.6
Laporte County (part)		97.9
Michigan City	97.9	
Wayne County		168.1
Balance of Indiana		1,736.0
<b>Iowa</b>		
Des Moines (part)		86.7
Model City	86.7	
Waterloo		75.1
Balance of Iowa (parts)		143.9
Burlington City	66.8	
South Lee County	43.7	
Ottumwa City	33.3	
<b>Kansas</b>		
Kansas City		203.4
Wichita		1,116.9
Balance of Kansas (parts)		567.6
Butler County	111.4	
Crawford County	61.4	
Labette County	63.3	
Montgomery County	73.2	
Sedgwick County	219.7	
Sumner County	38.6	
<b>Kentucky</b>		
Lexington (part)		29.6
Northwest-South	29.6	
Louisville (parts)		772.5
Manley	116.4	
Park Duvallo	71.0	
Park Hill	65.6	
Portland	106.5	
Russell	149.8	
California	67.7	
Jackson	195.5	

	For designated areas	For program agent distribution
<b>Kentucky—Continued</b>		
Kenton County (part)		\$55.4
Covington Model Neighborhood		\$55.4
Balance of Kentucky (parts)		2,203.5
Bath County	32.9	
Bell County	143.4	
Breathitt County	23.0	
Breckinridge County	34.3	
Caldwell County	64.0	
Carter-Elliott	71.2	
Clay County	36.7	
Clenton County	27.3	
Edmonson County	64.6	
Estill County	50.4	
Floyd County	79.5	
Graves County	120.2	
Grayson County	78.4	
Grenup County	53.0	
Harlan County	84.9	
Jackson County	63.7	
Jessamine County	39.1	
Johnson County	42.8	
Knox County	46.0	
Lawrence County	28.1	
Leslie County	36.9	
Letcher County	32.4	
Lincoln County	78.4	
Lyon County	37.7	
Magoffin County	67.7	
Marion County	42.8	
Martin County	33.7	
McCreary County	33.7	
McLean County	47.1	
Nelson County	61.6	
Owsley County	25.1	
Perry County	41.8	
Pike County	123.5	
Powell County	35.3	
Pulaski County	44.3	
Rock Castle County	47.1	
Rowan County	60.2	
Russell Springs County	36.7	
Wayne County	83.2	
<b>Louisiana</b>		
Baton Rouge/East Baton Rouge (part)		502.4
Lake Charles		401.6
New Orleans		2,185.5
Shreveport		235.8
Lafayette Parish (part)		26.3
Scott-Dusen	26.3	
Opachita Parish		141.0
Rapides Parish		199.4
St. Landry Parish		210.3
Balance of Louisiana		1,094.3
<b>Maine</b>		
Balance of Maine		2,016.7
<b>Maryland</b>		
Baltimore		1,011.6
Allegany County		60.1
Anne Arundel County (part)		100.4
Lower Anne Arundel Pocket	100.4	
Baltimore County (parts)		144.1
Dundalk	144.1	
Prince Georges County (part)		139.0
Model Cities Neighborhood	139.0	
Washington County		232.7
Balance of Maryland		663.0
<b>Massachusetts</b>		
Boston		1,670.3
Brockton		310.5
Cambridge		118.4
Fall River		129.6
Lowell		455.5
Lynn		324.0
New Bedford		369.4
Quincy		263.9
Somerville		257.3
Springfield		672.8
Worcester		346.3
Balance of Massachusetts		5,897.6
<b>Michigan</b>		
Dearborn Heights		72.1
Detroit		6,270.3
Westland		75.1
Wayne County		693.5
Flint		262.1
Grand Rapids		747.4

	For designated areas	For program agent distribution
<b>Michigan—Continued</b>		
Kent County		\$225.4
Kalamazoo		187.3
Kalamazoo County		101.9
Lansing		319.9
Pontiac		372.6
Royal Oak		173.5
Oakland County		641.9
Saginaw		185.8
St. Clair Shores		81.0
Warren		408.7
Macomb County		1,091.7
Bay County		425.6
Berrien County		377.3
Calhoun County		417.1
Jackson County		416.8
Lenawee County		203.7
Monroe County		333.4
Muskegon County		613.0
Ottawa County		335.5
St. Clair County		461.4
Washtenaw County		601.4
Balance of Michigan		3,577.0
<b>Minnesota</b>		
Duluth (part)		27.1
Model Cities	\$27.1	
Minneapolis		724.0
St. Paul		433.7
Balance of Minnesota		1,678.1
<b>Mississippi</b>		
Balance of Mississippi (parts)		333.8
Attala County	44.2	
Chaliborne County	40.7	
Greene County	32.1	
Grenada County	39.2	
Kemper County	28.5	
Panola County	23.2	
Pearl River County	53.6	
Wilkinson County	39.1	
Yalobusha County	30.3	
<b>North Carolina</b>		
Winston-Salem (part)		39.0
Model Neighborhood	39.0	
Robeson County		25.0
Balance of North Carolina (parts)		694.9
Rockingham Hamlet	49.0	
Bertie County	20.8	
Bladen County	29.8	
Cherokee County	20.0	
Columbus County	41.2	
Graham County	63.0	
Greene County	42.8	
Hertford County	44.8	
Hoke County	31.6	
Madison County	49.2	
Pender County	49.4	
Person County	44.5	
Pitt County	110.3	
Wilson County	104.2	
<b>New Jersey</b>		
Camden		319.7
Camden County		305.5
Clifton		216.0
Paterson		935.7
Passaic County (part)		411.0
Hawthorne	31.4	
Passaic	250.5	
Ringwood	43.0	
West Paterson	55.4	
East Orange		79.4
Newark		2,444.1
Essex County (parts)		60.3
Bloomfield	39.3	
Orange	60.0	
Elizabeth		290.8
Union County (parts)		131.1
Linden Poverty Area	59.8	
Plainfield Poverty Area	42.8	
Rahway	31.5	
Jersey City		681.0
Hudson County		1,123.1
Trenton		237.1
Woodbridge Township		101.8
Middlesex County		1,000.8
Atlantic City (part)		174.3
Atlantic City	174.3	
Bergen County (part)		633.7
Cliffside Park	23.2	
East Paterson	29.3	
Fairview	27.1	
Fort Lee	37.1	
Garfield	163.1	
Hackensack	71.6	
Lodi	100.0	
Wallington	60.2	

[Allocation, in thousands]

	For designated areas	For program agent distribution
<b>New Jersey—Continued</b>		
Burlington County		\$655.5
Cumberland County		254.6
Gloucester County		397.5
Monmouth County		609.4
Ocean County		281.5
Somerset County		229.6
Sussex County		76.3
Balance of New Jersey		387.7
<b>New Mexico</b>		
Albuquerque (part)		991.3
MNA	137.2	137.2
Balance of New Mexico		854.0
<b>New York</b>		
Albany (part)		16,890.0
Poverty Neighborhood	179.4	179.4
Albany County (part)		46.8
Cohoes Model City	46.8	
Babylon Town		303.1
Brookhaven Town		420.7
Islip Town		347.6
Suffolk County		318.8
Buffalo City		895.8
New York City (part)		6,928.2
Central and East Harlem	1,177.8	
West and Lower East		
Manhattan	1,074.5	
Bronx Poverty Neighborhood		1,453.9
Brooklyn-Williams		759.6
Brooklyn Model Neighborhood		1,357.5
Brooklyn other Poverty Areas		927.1
Queens-Van Wyck East	177.9	
Niagara Falls		173.5
Niagara County		218.6
Rochester		444.1
Schenectady (part)		73.4
Poverty Neighborhood	73.4	
Syracuse (part)		261.8
Poverty Neighborhood	261.8	
<b>Utica</b>		
Oneida County		163.7
Broome County		178.9
Cattaraugus County		197.1
Cayuga County		163.6
Chautauqua County		114.6
Chemung County		281.1
Dutchess County (part)		207.3
Poughkeepsie Model City	127.4	
Jefferson County		175.9
Nassau County		1,089.6
Oswego County		176.0
Rensselaer County (part)		103.6
Troy Poverty Neighborhood	103.6	
St. Lawrence County		196.3
Saratoga County		94.1
Ulster County		228.3
Wayne County		231.2
Balance of New York		2,544.4
<b>Missouri</b>		
Kansas City		2,494.3
Jackson County		752.7
St. Louis		133.9
St. Louis County (parts)		1,175.8
Kirkwood	29.7	
University City	37.4	
Wellston-Pagedale	72.8	
Jefferson County		61.1
St. Charles County		85.4
Balance of Missouri (parts)		118.5
Lafayette County	26.6	
Phelps County	30.4	
Ripley County	28.1	
St. Francois County	30.4	
<b>Montana</b>		
Balance of Montana		497.9
<b>Nebraska</b>		
Lincoln (part)		363.6
Malone pocket	57.0	
Omaha (part)		57.0
North Omaha	235.9	
South Omaha	70.7	
<b>Nevada</b>		
Las Vegas		653.1
Clark County		137.6
Washoe County (part)		156.2
Northeast Reno Black Springs	224.4	
Balance of Nevada		140.0

[Allocation, in thousands]

	For designated areas	For program agent distribution
<b>New Hampshire</b>		
Manchester (part)		\$142.4
Model City Area		91.5
Balance of New Hampshire (part)		57.9
Sullivan County	57.9	
<b>Ohio</b>		
Akron (part)		4,182.3
Model Neighborhood	93.7	
Canton		102.8
Cincinnati (part)		353.2
CEP	353.2	
Cleveland		723.2
Columbus (part)		143.7
Poverty Neighborhood	143.7	
Dayton		333.6
Lorain		57.0
Springfield		15.1
Toledo (part)		132.3
CEP	132.3	
Allen County		277.2
Butler County		317.5
Clermont County		319.0
Greene County		122.2
Miami County		61.9
Seloto County		153.3
Warren County		214.4
Balance of Ohio (parts)		543.0
Portsmouth	23.0	
Carroll County	63.0	
Crawford County	47.1	
Fayette County	34.4	
Geauga County	43.6	
Hocking County	45.0	
Jackson County	47.2	
Lawrence County	62.0	
Melms County	44.4	
Freble County	40.8	
Tutnam County	36.8	
Van Wert County	48.1	
<b>Oklahoma</b>		
Oklahoma City (part)		1,761.9
Poverty Area	77.4	
Tulsa (part)		67.8
Model Neighborhood	67.8	
Balance of Oklahoma (parts)		1,553.7
Adair County	141.5	
Atoka County	73.0	
Bryan County	51.2	
Cherokee County	93.0	
Choctaw County	31.9	
Creek County	54.7	
Delaware County	34.3	
Haskell County	43.0	
Hughes County	48.8	
Latimer County	42.3	
LeFlore County	50.8	
Mayes County	105.7	
McIntosh County	37.5	
Muskogee County	133.2	
Okmulgee County	92.7	
Ossage County	29.2	
Ottawa County	71.3	
Pittsburg County	120.8	
Pontotoc County	42.9	
Pottawatomie County	59.9	
Rogers County	97.9	
Sequoyah County	42.0	
Wagoner County	82.4	
<b>Oregon</b>		
Portland		1,056.5
Jackson County		373.0
Lane County		218.3
Marion County		349.6
Balance of Oregon		314.3
<b>Pennsylvania</b>		
Erie (part)		7,043.0
Model Neighborhood	36.7	
Philadelphia		36.7
Pittsburgh (part)		2,453.5
Pittsburgh-CEP	1,343.6	
Allegheny County (part)		185.1
Turtle Creek Valley	185.1	
Reading (part)		61.2
Model Neighborhood Area	61.2	
Seranton		91.5
Lackawanna County		236.1
Armstrong County		102.6
Blair County (part)		69.8
Tyrone Redevelopment Area	69.8	
Crawford County		103.1
Delaware County		603.6
Fayette County		322.2
Franklin County		63.1

[Allocation, in thousands]

	For designated areas	For program agent distribution
<b>Pennsylvania—Continued</b>		
Lancaster County (part)		\$42.3
Lancaster Model City	\$42.3	
Lawrence County		194.0
Lycoming County		154.5
Mercer County		133.5
Northumberland County		167.8
Schuylkill County		114.1
Westmoreland County		368.3
Balance of Pennsylvania (part)		1,188.4
Bedford County	118.4	
Bradford County	153.0	
Cameron County	33.9	
Clearfield County	151.1	
Clinton County	126.1	
Columbus County	67.5	
Elk County	47.3	
Greene County	36.5	
Huntington County	75.1	
Jefferson County	43.6	
McKean County	114.5	
Potter County	42.0	
Susquehanna County	83.9	
Tioga County	52.3	
Wyoming County	36.2	
<b>Puerto Rico</b>		
San Juan		9,185.2
Model Cities	750.8	
Caguas Municipality		632.7
Mayaguez Municipality		269.6
Bayamon		314.6
Ponce		534.1
Balance of Puerto Rico		6,553.3
<b>Rhode Island</b>		
Pawtucket		1,967.2
Providence (part)		90.3
CEP	809.0	
Warwick		809.0
Balance of Rhode Island		114.3
<b>South Carolina</b>		
Columbia (part)		1,702.2
Poverty Neighborhood	33.2	
Richland County (part)		32.4
Olympia-Bluff	32.4	
Charleston County (part)		259.1
North Charleston	32.7	
Island Area	31.9	
Mt. Pleasant-McClellanville	25.5	
Charleston City	169.1	
York County (part)		49.8
MNA	49.8	
Balance of South Carolina		1,392.6
<b>Tennessee</b>		
Chattanooga (part)		1,419.7
CEP	164.7	
Memphis (part)		164.7
Central City	433.9	
Nashville (part)		433.9
Model Neighborhood	63.5	
Balance of Tennessee (parts)		63.5
Cookeville Model City	43.1	
Benton County	28.9	
Campbell County	60.8	
Carter County	155.6	
Cocke County	51.2	
Dickson County	41.0	
Greene County	109.9	
Hickman County	33.1	
Lawrence County	56.5	
Menroe County	33.8	
Rhea County	45.0	
Scott County	24.3	
Sequatchie County	26.9	
White County	46.6	
<b>Texas</b>		
Austin (part)		3,536.9
Model Neighborhood	61.1	
Beaumont		61.1
Jefferson County (part)		101.2
Port Arthur Westside	63.7	
Cerpus Christi (part)		27.1
McCook-Austin	27.1	
Dallas (part)		210.6
West Dallas-Eagle Ford	33.8	
Jefferson County	70.0	
Central City	102.6	
El Paso (part)		233.4
West Central City	43.1	
South El Paso East		
Central	42.5	
Piedras Del Rio	33.0	
Five Pts San Juan Tigua	41.0	
East Side	40.2	
Paco-Del Yelita	23.5	

[Allocation, in thousands]

	For designated areas	For program agent distribution
<b>Texas—Continued</b>		
Fort Worth (parts).....		\$29.8
Highland Park-Morning Side.....	\$29.8	
Tarrant County.....		344.4
Houston (part).....		432.6
Model Neighborhood.....	432.6	
San Antonio.....		430.2
Waco (part).....		45.6
Model Neighborhood.....	45.6	
Cameron County.....		233.2
Hidalgo County.....		167.8
Balance of Texas (parts).....		1,076.1
Bowie County.....	97.3	
Cass County.....	43.4	
Dimmitt County.....	27.3	
Maverick County.....	119.9	
Medina County.....	48.2	
Orange County.....	112.1	
Star County.....	70.4	
Uvalde County.....	34.8	
Webb County.....	353.5	
Willacy County.....	41.0	
Zapata County.....	36.1	
Zavala County.....	86.2	
<b>Utah.....</b>		<b>338.7</b>
Salt Lake City (part).....		63.9
Model Cities.....	63.9	
Weber County (part).....		25.5
Ogden.....	25.5	
Balance of Utah (parts).....		249.3
Box Elder County.....	34.4	
Wasatch County.....	31.3	
Sanpete County.....	46.8	
San Juan County.....	53.6	
Summit County.....	26.5	
Carbon County.....	50.6	
<b>Vermont.....</b>		<b>372.5</b>
Balance of Vermont.....		372.5
<b>Virginia.....</b>		<b>532.0</b>
Norfolk (part).....		37.1
(CEP).....	37.1	
Richmond (part).....		53.7
Model City.....	53.7	
Balance of Virginia (parts).....		441.3
Accomac County.....	68.6	
Dickenson County.....	29.5	
LANCASTER County.....	30.1	
Northampton County.....	38.6	
Northumberland County.....	42.3	
Smyth County.....	60.9	
Tazewell County.....	34.1	
Washington County.....	55.3	
Wise County.....	72.9	
<b>Washington.....</b>		<b>15,860.0</b>
Seattle.....	3,695.4	
King County.....	3,639.0	
Spokane.....	494.2	
Spokane County.....	252.0	
Tacoma.....	635.1	
Pierce County.....	862.5	
Clark County.....	314.5	
Kitsap County.....	415.7	
Snohomish County.....	1,878.4	
Thurston County.....	179.3	
Whatcom County.....	332.0	
Yakima County.....	614.7	
Balance of Washington.....	2,347.2	
<b>West Virginia.....</b>		<b>1,269.6</b>
Cabell County.....	105.6	
Wood County.....	86.3	
Balance of West Virginia.....	1,067.7	
<b>Wisconsin.....</b>		<b>2,037.9</b>
Fond du Lac County (part).....		35.5
Fond du Lac.....	35.5	
Green Bay City.....		147.3
Milwaukee.....		735.4
Racine.....		111.2
La Crosse County.....		106.2

[Allocation, in thousands]

	For designated areas	For program agent distribution
<b>Wisconsin—Continued</b>		
Racine County.....		\$103.4
Rock County.....		125.6
Waukesha County.....		180.7
Winnebago County (part).....		61.1
Oshkosh.....	\$51.1	
Balance of Wisconsin (parts).....		441.5
Ashland County.....	29.2	
Bayfield County.....	63.4	
Douglas County.....	76.4	
Juneau County.....	75.0	
Langlade County.....	41.0	
Marquette County.....	34.7	
Oconto County.....	27.4	
Polk County.....	57.1	
Waushara County.....	37.2	
<b>Wyoming.....</b>		<b>61.2</b>
Cheyenne.....		61.2
Model Cities Area.....	61.2	
<b>Indian Reservations.....</b>		<b>1,829.6</b>
<b>Indian Reservations.....</b>		<b>1,829.6</b>
<b>United States Totals.....</b>		<b>200,000.0</b>

1 Note: Figures may not add to totals due to rounding.

Signed at Washington, D.C. this 20th day of September 1971.

J. D. HODGSON,  
Secretary of Labor.

[FR Doc.71-14571 Filed 10-7-71;8:45 am]

## TARIFF COMMISSION

[TEA-W-116]

## AVONDALE MILLS

Workers' Petition for Determination  
of Eligibility to Apply for Adjust-  
ment Assistance; Notice of Invest-  
igation

On the basis of a petition filed under section 301(a) (2) of the Trade Expansion Act of 1962, on behalf of the workers at the Birmingham Plant of Avondale Mills, the U.S. Tariff Commission, on October 1, 1971, instituted an investigation under section 301(c) (2) of the act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with the broadwoven polyester-cotton fabrics of the type produced by the plant are being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of such plant.

The petitioner has not requested a public hearing. A hearing will be held on request of any other party showing a proper interest in the subject matter of

the investigation, provided such request is filed within 10 days after publication on the notice in the FEDERAL REGISTER.

The petition filed in this case is available for inspection at the Office of the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, DC, and at the New York City office of the Tariff Commission located in room 437 of the Customhouse.

Issued: October 4, 1971.

By order of the Commission.

[SEAL] KENNETH R. MASON,  
Secretary.

[FR Doc.71-14741 Filed 10-7-71;8:46 am]

DEPARTMENT OF HEALTH,  
EDUCATION, AND WELFARE

Office of the Secretary

HEALTH SERVICES AND MENTAL  
HEALTH ADMINISTRATIONStatement of Organization, Functions,  
and Delegations of Authority

Part 3 (Health Services and Mental Health Administration) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare (33 F.R. 15953, October 30, 1968), as amended, is hereby amended with regard to section 3-M, Organization, as follows:

*Office of Information and Technical Publications (3M17).* (1) Supervises the development, writing, editing, and preparation of technical publications, films, visual aids, and speeches; (2) prepares periodic reports on Service activities; (3) provides the principal contact with press, radio, television, and other mass media; (4) prepares special articles and releases for professional journals, newspapers, and technical magazines; (5) facilitates the clearance of technical publications; (6) supervises the development and utilization of exhibits; (7) manages the distribution of technical publications and evaluates their utilization; and (8) maintains liaison on informational matters with the Office of the Administrator, and the Office of the Secretary, and with public and private organizations, institutions, and agencies.

R. H. BRADY,  
Assistant Secretary for  
Administration and Management.

OCTOBER 1, 1971.

[FR Doc.71-14789 Filed 10-7-71;8:50 am]

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